

PRINCIPLES.

OF

POLITY,

BEING THE

GROUND^S and REASONS

OF

CIVIL EMPIRE.

IN THREE PARTS.

By THOMAS POWNALL, Esq;



L O N D O N:

Printed by EDWARD OWEN in Warwick-Lane.

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TO THE
UNIVERSITY OF CAMBRIDGE,
IN TESTIMONY
OF HIS FILIAL REGARD
TO THE PLACE OF HIS EDUCATION,
AND
IN GRATEFUL REMEMBRANCE
OF THE BENEFITS HE RECEIVED IN IT,
THESE PAPERS
ARE INSCRIBED AND HUMBLY DEDICATED,

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T. POWNALL.

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A HISTORY OF THE INDIAN PEOPLES

BY FREDERIC J. GLOVER

Of the USE of DIALOGUE

HEN the Ideas and Propositions that relate to any general Theorem have been so entangled amongst themselves, and so involved with Matter foreign to them, as to render such Theorem a Subject of Controversy; it's Parts and Members will be disunited and dissipated, their Proportions and Relations destroy'd, and even the less general or subordinate Truths be found on different Sides of the Question, as the foreign Matter they are engaged with seems to incline them. The Method therefore of Reasoning, that this State of the Case seems to require, is, first, to inquire in what Particulars the even contrary Sides of the Question may agree, that so we may unite the coinciding Truths.

— * ea quæ modò dixisti cum iis conferamus quæ tuis antepono; quæ sunt igitur Communia vobis cum antiquis, hic sic utamur ut concessis; quæ in controversiam veniunt de iis, si placet, differamus. Next by Composition, to compare and sort amongst each other those less general and subordinate Truths that have been dissipated, so that they may again rank in their natural Order; and, lastly, to oppose to one another those mixt Propositions, whose Contrariety ariseth only from the foreign Matter annex'd to them, that so, such contradictory Matter mutually destroying itself, the precise Relation and Agreements of those Truths that remain unmixt, may appear, and by opposing, and reciprocally reducing to Absurdity, those Propositions that are entirely false, they may be reciprocally and entirely destroyed: So that the whole Truth, and nothing but the Truth, will remain; and the several Parts of it, brought together and sorted in their due Ranks and Proportions, will all conspire and unite again under the one general Theorem required.

In the same Manner therefore that, in the Science of Optics, a Picture, that has been deform'd, does necessarily, by the known Method that deform'd it, and the Rules that are to rectify it, correspond to that one specific Mirrour that will reflect it in its due Proportions; in the same Manner naturally does this State of a Theorem, and the Manner of treating it in Dialogue, seem to correspond. To this the Method of Dialogue, used by Socrates, and followed by Plato and Cicero in their Writings, seems best adapted.

Cicero de Fin. lib. 4. § 10. Loquitur Cicero.

* Nec

* Nec nihil optimè, nec omnia præclarissimè quisquam dicere nobis videbatur: quapropter stultitia nobis visa est, aut à bene inventis alicujus recedere, si quo in vitio ejus offenderemur; aut ad vitia ejus quoque accedere, cuius aliquo bene præcepto duceremur. Quod si in cæteris quoque studiis a multis eligere homines commodissimum quodque, quam sese uni alicui certo vellent addicere, minus in arrogantium offendenter; non tantoper in vitiis perseverarent; aliquanto levius ex inscitia laborarent.—† Verentibus nè vel falsæ rei, vel non satis cognitæ, assentiamur; faciendum videtur, ut diligentè etiam atque etiam argumenta cum argumentis comparemus, ut fecimus in iis tribus libris, quos de natura Deorum scripsimus.—‡ defendat quod quisque sentit; sunt enim judicia libera: nos institutum tenebimus, nullisque unius disciplinæ legibus adstricti, quibus in philosophiâ pareamus: quid sit in quaque re maximè probabile requiremus, || de singulis rebus in utramque partem dicendi exercitatio instituta est, ut non contra omnia semper, sicut Arcefilas, diceret, & tamen, ut in omnibus rebus, quidquid ex utraque parte dici possit, exprimeret.—¶ neque nostræ disputationes quidquam aliquid agunt, nisi ut in utramque partem dicendo et audiendo eliant et tanquam exprimant aliquid, quod aut verum sit, aut ad id quam proximè accedat—** verum enim invenire volumus, non tanquam adversarium aliquem convincere.—*These are the Sentiments of Cicero upon this Matter, and this Method he applied thro' all his Works, in so exact and perspicuous a Manner, that it may easily be shewn, not only how, in each Dialogue, this Method is pursued, but also in each what particular Truths be means, upon the Balance of the Whole, to inculcate. I have often therefore wonder'd, that the Scope of his Writings should have been so totally misunderstood, as that we should see even learned Men inquiring and disputing, where and in which of the Characters, introduced into the Dialogue, Cicero's true Sentiments are to be found. It hath always seemed to me as great an Absurdity, as if, in a long and intricate Account, a Man should seek for the true State of it anywhere, but in the full and final Balance of the Whole.*

The same might be shewn throughout the Writings of Plato, whose Dialogues, according to the different Intent and Application of them, are of three Kinds, the Ἀπορητικοὶ, Πειρατικοὶ & Μανεύματοι. The Method of the first, where any Truth is render'd controversial, is, by destroying the

* Cicer. de Invent. lib. 2. § 2. † De Divinat. lib. 1. § 4. ‡ Tusculan. lib. 4. § 4.
|| De Fin. lib. 5. § 4. Loquitur Piso. ¶ Lucret. § 3. ** De Fin. lib. 1. § 5.

Errors on each Side of the Question, to moderate between both, and reconcile them; as may be seen in his Cratylus. To understand the other two, we must observe this Proposition which * he lays down as a Principle in all Reasoning, *iv τὰ πόλλα ἀναι x̄ τὸ iv πόλλα*, i. e. that every Thing stands ranked either as a Particular under some Genus, or is a Genus to a Number of Particulars. In the Forming therefore, or Resolving any Truth, Care must be taken that those Particulars only be found in such Genus as relate to it, and in that Order only in which they stand rank'd under it. With those who, by Prejudice of Education, or by the natural Imperfections of the human Constitution and Mind, have acquired false Notions and Sentiments of Things, with these his Dialogues are Πλάστικοι, calculated only to convict and remove these Errors, and prepare the Mind for the better future Reception of Truth, but do not advance to the Proposing any. These are chiefly wrote against the Sophists and their Scholars; as his Charmides, Meno, Theætetus, Hipparchus, and many others. Socrates said, and Plato writes, that of Divine and Moral Truths we have a natural Feeling or Sense coinciding and correspondent to the original essential Nature of them; in the same Manner as we have a correspondent Sense or Feeling of Harmony, prior to all Reasoning about it; and that as the Eye in Health, and open, cannot but see the Light of the Sun; so this Sense of the Mind (if uncorrupted and unobstructed) cannot but have Impressions of these Ideas, and that it labours in its Reasonings, to express these Prototypes. Those Dialogues therefore, where he is assisting the Interlocutor to elicit and express these Ideas, he, from a particular Vein of Humour calls Μαστιχοι, because, + saith he, being the Son of a Midwife, I am myself a Midwife; not to bring into Life natural but moral Births; and as it is their Business to raise the quick Pains, and to allay them; so doth this Method of Investigation raise the Pains of Doubt and Uncertainty, and allay them again by Reason and Truth, bringing to Light that true Image of Things which the Mind labours to express. Of this Sort are the two Dialogues with Alcibiades, the Laches, Lysis, and others. Sometimes these two latter Methods are joined in the same Dialogue. And accordingly these Dialogues are in the Course of the Investigation so professedly teasing and perplexing, that the Interlocutors are represented as growing out of all Patience, and complaining of it; as the Reader will

* Platonis Philebus de Voluptate, sive de opt. Bono.

+ Platonis Theætetus.

often

often do, before he arrives at that Satisfaction which will amply repay him in the End.

In this Method of Writing there are no Determinations made, no Judgment form'd, no Authority imposed, for any Opinion on either Side of the Question. No final Conclusion must be here on the Face of the Matter look'd for; but to the Man, whose Reason is his Authority, whose Judgment knows no other Master; whose Determinations are impartially drawn from what, on either Side, appears to be true, the Theorem will arise with more Satisfaction and greater practical Conviction than in any other Way. As this Method therefore hath been esteem'd proper in Subjects of Controversy, it seems surely more so, where the Passions and Prejudices of Parties have been interwoven into such Controversy. 'Tis less offensive; 'tis more impartial, and more likely to convince; because by such Method Truth is not only apparent to the Reader, but becomes real, practical, and his own.

I know but one Objection to it, which is against the modern Use of it: For here, says Lord Shaftesbury, the Characters in the Drama will be either false or affected. To obviate this, the Persons introduced in the following Drama are supposed to reason from Papers already consider'd, and lying before them; and that any Gentleman of ordinary Literature may be supposed to do so, seems neither a false nor affected Character.



A D V E R T I S E M E N T.

THE First Part of these Papers, pointing out the Defects, Inconsistencies, and Ineptitude of the Civil Theorem of an Original Contract, was publish'd some Time ago by itself, under the Title of, *A Review of the Doctrine of an Original Contract*; to the Intent, that if those Objections should appear to arise from Misapprehension of the Subject, and should have been answer'd, the remaining Parts, as useless, might be suppress'd: On the Contrary, they have remain'd unanswered, and it hath been a general Observation of those who have read the first Part, with any Degree of Attention, that, altho' the Author seems to put his own Sentiments into the Mouth of *L. Crassus*, yet he hath left *Scœvola* in Possession of the Argument, which amounts to a Confession of the Validity of the Objections. The remaining Parts therefore substitute another Theorem of the Grounds and Reasons of Civil Empire, as they arise from Nature, not positive Institution.

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PRINCIPLES



PRINCIPLES
OF
POLITY.

PART I.

OME Time after the late Troubles of the Kingdom were so happily ended, I was invited by my Friend *L. Crassus*, to spend a Month or two with him. He was a Man who had made the best Advantages of a liberal Education, and a Knowledge of the World —he had with him an old Friend of his Father's, a Man of much Reading, and esteem'd by the Gentlemen of the Neighbourhood a great Scholar; a Man of great Candour and Humanity; and of a Liveliness unusual in People of his Age; which made him agreeable, and his Acquaintance valu'd every where—Accordingly towards the

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latter

latter End of the Year, I went to S** his Seat ; it had been the Mansion-house of the Family for many Generations, it was very large and very old : The Manner of the Building was august, and preserv'd the Spirit of the old *English* Taste, whose rough Freedom pleas'd more than Regularity, affected nothing but plain Honesty, yet claim'd almost Veneration ; and what might seem wanting in outward Ornament, was amply recompens'd by more solid Convenience within ; in short it was very well adapted to all the Purposes of good living. The Entrance is into a solemn old Hall, furnish'd with long oaken Tables, where many an old Chief and his Followers had feasted.—It was hung round with old Armory, and in the most conspicuous Place over the Chimney, was an old Parchment Writing finely decorated on the Edges, which I soon discover'd to be a Copy of the Grand Charter. Here the Family met every Morning to breakfast in one of the old Bow-windows.

It happen'd one Morning that my Friend *Craffus*, his Friend whom * I shall call *Q. Scæwula*, and myself met here before the rest of the Family came down, and as at this time the Conversation of the whole People turn'd upon the Danger of the Rebellion, and the glorious Success of our Troops in the Suppression of it, our Conversation took the same turn. But as our old Friend, by the particular Course of his Education and Acquaintance, had a strong Tincture of those Principles which were the prevailing Politicks of former Reigns ; the Discourse began naturally to run into a Dispute of that particular Connection there is between the Subject and the Government. I was apprehensive from the sanguine Disposition of my Friend *Craffus*, it might grow too particular ; therefore endeavouring to make it more general, or if I could, to turn the Conversation, I said I don't wonder *Lucius* to see you thus strenuous in defence of those Principles by which your Fathers preserv'd, and deliver'd down to you your Liberty, so fair an Inheritance : For the very Air of this Place would inspire one with such Sentiments. Those old Arms, that have been so

* Quasi enim ipsos induxi loquentes, ne inquam & inquit si quis interponeretur. Cicero.

often.

often born in defence of that Liberty, are daily Monitors of the same: That inestimable Charter too is a living Memorial of that Spirit which has always prevail'd in this Land. Thus in the old Days of Heroism, their Arms and the Devices upon them were Instructors of such Sentiments, as each Country could wish every Son to be inspired with; either a generous Emulation of their Ancestors, by representing the Glories of their Family, and their heaven-deriv'd Origin: or insinuating the Principles of Honour and publick Affection, taught under some fine Allegory. Thus we see *Achilles* Shield—

Here *Craffus* interrupted me somewhat warmly. I conceive what you would intimate. But (besides that) I should be so far from entertaining any airy Schemes to support the Spirit of Liberty; unless from the due Sense that a Man ought to have of his own Right and Property: that on the contrary, I think such Schemes have been the Fomentors and Inspirers of all the Troubles this Nation hath been plagued with. For when the Caprice of particular People, blindly devoted to this or that Form of Government, often inflam'd with a mad Zeal for Innovations, arising from worse Motives, sets itself at work to form Parties, they will never want specious Colours to dress out the worst of Villanies with. And these are what deceive the Honest and Well-meaning; who from being, as you could wish them to be, inspir'd with the Spirit of Liberty, and persuaded that they are fighting under that Banner, run headlong into the last Extreams, till they are ruin'd by the Spirit of Madness. Whereas all that I would have my Children understand from these Memorials, is, that they should Form the true Estimate of their own Importance in the Community, and be well acquainted with that precise Character, and Weight in the Government, which their Property naturally gives them; that they should consider these Arms, which have been often gallantly born in Defence of it, as deliver'd down with it for the same Purposes: That this should be the Standard of their *Civil Faith*; and that they should be ready, and dare even with their Lives, to maintain such Rights, and defend such Property, from any Invasion

from abroad, or any injurious Attack within, either of the People or the Government.

Now such Principles can never incite them to innovate, or disturb the Government, or act offensively on any Pretence whatsoever ; but will be a Barrier and form them rigid Champions of Liberty. For as this Rule is not imaginary but real, and founded on the very Matter of Government, it can be affected by nothing but what reaches that Foundation : it can give no Pretence to Parties and Oppositions, but where the Foundation of Government itself is shaken.

Q. Scæv. While I cannot but with Pleasure observe, that the natural turn of your Temper inclines you to the securing and preserving the Peace of Mankind ; and in what manner your Benevolence wou'd make that the only End and Purpose of all Government ; yet cannot I but see how ill these Principles, how imperfectly these Maxims answer this End. For it is of the Foundation of these Politics to set up two sovereign and distinct Interests in the two political Persons of the Governors and Governed, while the latter are taught to consider themselves originally equal with any other Individual, and free of all Dominion but what arises from their own Appointment ; and in no other Tyes connected than by their own Compact ; and that not only the People, amongst themselves, but that the Governors and the People were originally equal and independent of each other ; and that the Subordination subsisting between them, arose wholly from their own Consents. Indeed they say, that these Governors are sovereign and independent, yet they make the People so too, and of these two sovereign, independent, distinct and different Interests is this Contract form'd ; and in the forming it the People have many Rights and Claims to bargain for, as the Sovereign too has certain Interests, certain Powers to maintain. Thus they divide Mankind, as it were, into two Species of Creatures, of Kings and People. They say indeed Kings are appointed to the Government by the People, yet as at this very Appointment, they suppose these Kings to have certain Powers and Prerogatives to uphold, they still make them distinct individual Persons,

Persons, a distinct Party to this Contract. Thus these two Parties enter into Compact or a defensive Alliance, where the Conditions to be performed are, *on one hand* Allegiance, and Protection on the other, and that these are reciprocal. Thus in the Entrance, in the *very* Foundation of these *Politics*, instead of being a Community, an Union of several Individuals under one common Interest and Empire, it is a mere Coalition or Alliance of two different and distinct Interests.

Thus the Writers on these Matters, who talk so much of an Original Contract, do not inquire how these contracting Parties came to be such, but think it sufficient, beginning from the State of the Case that there are two such, to prove that each in their own Rights are sovereign and independent, where it is the Duty of Each to preserve and secure and strengthen their respective Rights, to award off the Encroachments of the other, and confine him within his legal Bounds and Power. Hence it is of the very Essence of these Governments to subsist, and be carried on, by Parties and Oppositions, as the noble Author of the Dissertation on Parties hath fully shown.

L. Craff. Truly I must own there is something in the Fortune that these Politics have met with, which may give Grounds for this Representation of them ; tho' it is as far from their real Colour as Black is from White. But as a great Reasoner well observes on this Point, " The Theory of Civil Society founded on an Original Contract, has had the Fortune to fall into ill Hands, the Enemies of their Country, who inforced it not to defend the Liberties we enjoy'd, but to alter the Essence of the Constitution." Nay further they have suffer'd equal Perversion from the Injudiciousness of those who have been in earnest to maintain them ; for while, treating of this Matter, they have endeavour'd to illustrate and exemplify the Point from actual Instances, they have thrown this very Light upon it that you charge it with. They find no actual Examples but in the Compositions, and Agreements that have been the final Issue of contending Parties ; or the Compositions between Kings and their Subjects, who having

having been *drove* to War to support themselves against the Usurpation of such Kings, have claimed and gained by the Law of Arms, that which was their Right by the Law of Nature, as that sacred Charter there testifies. Or otherwise in the Treaties between two Nations that have been at War, where upon a Peace the lesser has been taken into Protection, and united into the *Empire* of the greater ; as there are many Instances in the Course of the *Roman History*. In all these Cases indeed the Contract is between two sovereign, independent and different Interests ; where both Parties are two actually existing Persons, have different Demands to make, and different Rights and Claims to be satisfied. But originally in Nature there can be no such difference of Persons. Every Individual is equal, and as of equal Claims and Rights so of equal Power and Authority, therefore if we look upon the first Constituents, the Governors are but Individuals of the same personal private Rights and Power, as the Governed. Thus we may see that such Instances do not illustrate but pervert this Point. For the Case, in order to suit these Examples, should stand as follows : A set of People herding together, a meer rabble Rout without public Sense or Power to conduct themselves, meet with some one of these *kingly Personages*, who must be supposed on their Part to have essentially from Nature such Royal public Power, but no People to exercise it on ; this Herd, on the other side, must be supposed to be essentially a servile leading Flock wanting a Leader ; and that these two Parties, having thus luckily met with each other, immediately settle a Conference for striking a Bargain. The People promise to submit themselves to his Guiding and Jurisdiction, if he will undertake to lead and protect them : while he on his Part promises to be their Father and Protector, if they will put themselves under his *Empire* and Dominion. This would indeed be setting out with two different Interests instead of one Community.

But really in Nature there can be no such Case, the Parties, to the Contract we mean, are each Individual consenting to the Whole and every

every Particular * “ to join and unite into one Community, for “ their comfortable, safe and peaceable living amongst one another, in “ a secure Enjoyment of their Properties, and a greater Security against “ any that are not of it :” And when they have agreed upon the Methods and Means of promoting this End, they appoint some one amongst them (as they cannot all do it) to administer and execute these Measures. Thus the Parties to the Original Contract are not the People, as the Party on one hand, and the King, as on the other; but before any such *Political Persons* are form'd, the Compact Deed is executed, and every Individual Constituent of the Community, in their own *private Persons*, are Parties to it, and are bound to the Whole and to each Particular, for the Performance and Support of it.

Q. Scæv. Well, be it so—Yet however these Political Persons may have arose; or whoever may have been the original Parties to this Contract; however the *Imperium* may have been brought about: Yet is it not still of the Constitution of such Governments, who suppose themselves founded on an Original Contract, to consider this Contract as actually and really subsisting between the King and People, and that each Party is bound and engaged to look to the just Performance and Execution thereof? And that any Act of either Party fundamentally contrary to such Constitution of the Government, is an actual Breach of that Contract? And that it is at all times the Duty, which either owe to themselves, to see that the other does not infringe the Contract to his Detriment? Is not this the ultimate precise State of the Case, in whatever view you consider it? whether with the speculative Politicians as a mix'd Government, or with the Lawyers as a Compact Deed and Bond to observe the Laws, *which is this Contract?*

If with the Philosophers you talk of a Mixt Government, you consider That Order and Subordination, by which alone a Number of People can be capable of acting as one Body, as capable of taking three Forms; either where the actuating Power is collected and resides in one, and is called Monarchy; or where by a more equal Division,

it is in the Hands of those few whose Weight and Property give them this Influence, and is call'd Aristocracy ; or where the Circumstances and Humour of the People suffer no one to out-grow his Neighbour, or to have more than any other Person, where it is thus diffus'd amongst the whole, and is call'd Democracy. You are taught to consider these three Forms as the only simple Forms of Government. But that when the Power is thus wholly resident in any one Part of the People to the Exclusion of the rest, it must be oppressive and tyranical. That therefore the best Governments are fram'd and accorded of these three several Forms, that is, where the Power is divided amongst the People in all the three Ways in which they are capable of exercising it, so that each Part may have its due Proportion of Influence. From this right Distribution, and from each being able to preserve its own Share, and award off the Encroachments of the other ; or from any two being able to prevent the other that he grows not too great, and amasses not too much Power, arises the Perfection of this Constitution. This is, I believe, the clearest Idea we conceive of what is called by these Reasoners, a Mixt Government ; and yet see the Effects of it, 'tis of the very Constitution of this, as I said before, to subsist and be carried by Parties and Oppositions : for it consists of divers and different Parties, which can only subsist by opposing and being a Check upon each other.

I know what fine things *Polybius* says of these three being so happily constituted in the *Roman* Government, that each separately was capable of exerting its respective Power and Influence over the rest, and yet none able to clash or interfere with the Power of another ; but if instead of instancing in any actual State, he had said, it was possible it might be so, he cou'd not so easily have been controverted from matter of Fact : but unluckily the *Roman* State is an Instance to the contrary. Can any Party support itself unless it hath a Power sufficient to enforce its Influence ? and if it hath actually such Power as to be capable to enforce its Acts, it may exert an illegal or undue Influence ; and must not this be contrary to the Interest of any other that is connected

nected with it ? Therefore any Constitution explain'd from this Idea, must consist not only of different, but contrary Parties, and consequently of Oppositions.

Government we know abridges every Individual of that Liberty, which in a State of Nature he is born to, and in whatsoever Hands the administering Power resides, 'tis the Duty, the Interest, 'tis of the very Essence of that Power, that the People should be kept in Subordination to the actual Influence of it ; so that it is the Interest of the Monarchical Part to keep the Connections and Strictures of Subordination as close and fast bound as possible. On the contrary, it is the Spirit and Policy of a free People to preserve all their Liberty as clear and detach'd of all external Influence as possible ; " to hold themselves free by as enlarg'd an Immunity as they can, to live and do as they please, to submit to no personal Influence, however as little as may be *." Thus it becomes the Interest of the Democratic Part, to be a constant Clog and Check upon the Measures of the administering Power, and to oppose themselves to every new Exertion of its Influence. Here then there are two different Parties whose Interest is essentially contrary, and who can alone subsist by the Struggles of Opposition.

Nay it is of the Spirit of this Policy to speak of these as set up to be a Counterbalance the one to the other, to oppose, check and impede the other. Hence a Balance of Power, and a due Regulation of this Balance, is of the Essence of this Constitution. Now as betwixt Nation and Nation the preserving and guarantying such foreign Balance has linked all the Powers of *Europe* in a perpetual Series of War and Bloodshed, so the supporting and restoring this domestic Balance amidst the Powers of Government, has been the Pretence and Occasion of all the Factions, Rebellions, and Civil Wars that this Kingdom hath been torn and distracted with. Like the fighting of the Elements this Strife may produce some happy Form at last, but in the mean while the unhappy Constituents are destroy'd and ruin'd.

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* Arist. de Repub. Lib. 6. cap. 2.

“ The true Meaning of a Balance of Power (says an ingenious Writer) “ is best conceiv’d, by considering what the Nature of a Balance is. “ It supposes three things ; first the Part which is held together with “ the Hand that holds it ; and then the two Scales with whatever is “ weigh’d therein.” Now as infinite Accidents shall happen, and Circumstances arise, to the Interruption of this tender Constitution (for you see on how ticklish a Point its Peace and Safety lies) from that Instant must all be in Confusion and Disorder ; the whole State must be going to Wreck and Ruin ; and if it can be a while upheld, it will drag on a fev’rish Being, amidst the Delirium of Parties and Factions, amidst the Uproar of Tumult and Sedition, and at length die miserably, amidst all the Horrors of Rebellion and Massacre. I know how we are taught to say this Balance may be preserv’d by the Address, Conduct and Integrity of the Hand that holds it ; but how little does Experience teach us to expect from this ! The groffer and more usual way is, by calling in and adding to the lighter Scale, the Influence of some external Power, thus indeed a kind of Equilibrium is preserv’d, but the Beam, on which the Balance rests, is in the mean Time overcharg’d and broken down.

Or if with the Lawyers we consider the Laws as a Contract between King and People, a mere voluntary mutual Covenant between two free and independent Parties ; we shall in the Event find that the Conditions of it, between Prerogative and Privileges, must be so vague and indeterminate, the Obligations of it so loose and imperfect, that these Principles shall prove the very Seeds of Anarchy and the Dissolution of Government. In how many different Methods shall the Insolence of Power explain this away ? What but Power can determine and fix the Barrier between these two ? And after all, on which Side soever is the greater Power, Pretexts and Casuistry will be never there wanting to find Colour and Reasons for every Violence of it. If it can be said that the first covenanting of this Contract was an Act of Freedom ; upon every Temptation and Opportunity it will be broke at Random. It will be supported, while it is kept, by nothing

thing but the constant Strife and Struggles of the contracting Parties ; and either Side, if it be in their Power, will keep it no longer than is convenient for them. "Lady K—, says Mr. Selden, articed with "Sir E— H—, that he shou'd come to her when she sent for him, "and stay with her as long as she would have him, to which he set "his Hand : then he articed with her that he should go away when "he pleas'd, and stay away as long as he pleas'd, to which she set "her Hand, this is the Epitome of all the Contracts in the World be- "twixt Prince and Subject, they keep them as long as they like "them, and no longer."

Thus upon the whole, we see these boasted Principles of Liberty, how well soever they may serve the Purposes of Parties and Factions, are so far from being the Principles of Peace and good Government, that they are the very Seeds of Confusion and Anarchy ; and I do verily believe that, whatever the Mob of Politicians may think, and however the Leaders of such Mob may contrive to give this illustrious Colour to their Designs, That these Politics are only the Pretexts of the ingenious Few (and what cannot a Combination of the Ingenious make fashionable ?) to impose upon the servile Many. They are only calculated for an Opposition, and never thought of but by artful Men, who aim to build their Power on the Destruction of those in Power. For they are incompatible with any establish'd Power. Though we may think highly of Man, and talk big of the Power of Reason, the Energy of Truth, the Force of Liberty, and such Vaunting. Yet so mechanically do we all act by Habit and Custom, that Experience says, Mankind will be always found (give them but some cant Terms and Phrases to amuse them) servilely ductile under every Frame and Fashion, that the artful and ingenious shall think proper to dress out their Designs with. Give them but an Opportunity to run wild about, venting their ill Humour and ill Manners ; and nothing is too absurd or extravagant for them. To such a Pitch of Enthusiasm and Folly shall the Contagion work it self, that tell

them but that *the Monument is in Danger*, and half Mankind shall run mad after a May-pole.

L. Crassus. It is certain, that *these* Politicks are only calculated for Parties and Oppositions, and indeed were never entertain'd but by such, and in the manner that you have represented them, could never be used to any other Purposes. For such Politicians being wholly intent and solicitous to disengage the popular Interest from the undue Influence and Dominion of the regal Power, forgetting in the mean while that the Government is a Community, a one common Interest of the individual constituent Interests, their whole Force and Reason has been employ'd to fortify and secure the People, their Liberties and Property, to fence them in a separate Part, and as it were, broke off from the Community, a peculiar *Inpire*, a distinct Commonwealth *.

Thus whoever have wrote upon this Subject amid the Struggles of a State about Prerogative and Liberty, about the Encroachments of the Few upon the Rights of the Many, and of the Many upon the Privileges of the Few, they have all concurred in representing this Contract, not as the common Consociation of a Number of equal Constituents entering into Community, but as a mere Treaty of Alliance between King and People †, and such like political Parties. This Representation is, I am afraid, too consonant to the Sentiments of Parties, not to be too common: Yet is as far from being the true Case, as a mere Treaty of Alliance betwixt two federate Nations is from an Union of those two Nations into one Society or Government ||.— If this was indeed the Case, all the Evils, which you mention to ensue from these Politics, might be truly urg'd upon us in their utmost Consequences. There would then be two distinct Parties with

* Plebem, quam partem veluti abruptam à cætero populo, vestram Patriam peculiaremque Remp. fecistiſ. *Livius Lib. 3. §. 19.*

† Ἀλλα μένος ὅπερ μηδὲν αἰδικόνου αἰλῆλος. *Ariſt. de Rep. Lib. 3. c. 9.*

|| Καὶ γὰρ εἴ Τερρών καὶ Καρχηδόνων, καὶ πάσις οἵ τις σύμβολα πρὸς αἰλῆλας, οὐς μᾶς αὐτοῦται σύλληψαν οὐδὲ γένει αὐτής συνθήκαι περὶ τῶν αἰσχυνγίμων, καὶ σύμβολα περὶ τὸ μὲν αἰδικόνα γραφαὶ περὶ συμμαχίας· αλλ' οὐτ' αἴχναι πᾶσιν ιτεῖ τότοις κοιναὶ, &c. *Ariſt. de Rep. Lib. 3. c. 9.*

distinct

distinct and contrary Interests, and have nothing to connect them, but the alternate Fear of each other, or the united Fear of some common Enemy. And though under the immediate Impression of Danger this latter might unite them, yet the other would be the inveterate Spirit of Faction ; each respectively could promise himself no Security but in the Incapacity of the other to hurt him ; neither would either dare to advantage the other, lest he should make him too powerful for himself : So that the very Alliance must be vitiated with Jealousy, and the Communion carried on by Strife and Contention.

Indeed you may well say, *these Polities* are only fit for Parties and Sedition, and all the black Train of Faction ; for they are only and wholly the perverted Representations of mistaken or factious Men ; whose only Field of Action, or Opportunity of Interest, is in the Confusion and Distraction of all the Powers of Government : Men who fear nothing so much as the Peace and Harmony of the Orders of the State, because it must inevitably take away all Occasion of their bad Popularity ; so, like poor Knavish Mechanicks, make themselves work, alway willing to have something wrong in the Constitution, that there may be something which requires them to cure it.*——

— Whenever thus in any State it can become the Interest of Particulars to make a Breach and Division in the *Empire*, they can never want specious Pretences nor Tools to work upon, to form such Opposition, and to persuade such, that it is in a distinct Interest from the Government, and that it is constitutional, and what not ? With such, as may be seen through the whole *Dissertation on Parties*, Oppositions become the virtuous Support of Liberty, and a noble watchful Care for the common Interest of Mankind. *These are the minor Patriots*, who not having Parts or Interest sufficient to maintain and

* Si unquam dubitatum est, Quirites, utrum Tribuni Plebis vestrâ an suâ causâ seditionum semper auctores fuerint, id ego hoc anno desisse dubitari, certum habeo——quid illos aliud aut tum timuisse creditis, aut hodie turbare velle, nisi concordiam Ordinum ? quam dissolvendæ maxime Tribunitiæ potestatis rentur esse ? Sic herculè tanquam artifices improbi, opus quærunt ; qui & semper ægri aliquid esse in Repub. volunt, ut sit, ad cujus curationem à vobis adhibeantur. *Liv. Lib. 5. §. 3.*

act with the real Powers of Government, and but just Art and Intrigue enough to work themselves into the Lead of some Party in it, must there ventilate their poor Spirit of Ambition : It is from *these* Demagogues and their Followers, that we hear of Governments being compounded of different Interests : *These* are they that talk of a Balance and Counterbalance, of one Power being constitutionally a Check upon another ; and that it is constitutionally the Duty of these to pull different Ways, even where there be no real Matter of Difference, yet to preserve the Equilibrium of Power. Or if they find with all their Throat and Lungs that they are not able to gain that Influence, which they could wish to be at the Head of, then the Balance is destroy'd, and the Constitution is gone to Wreck : *Obsecro Populares, ferte misero atque innocentia auxilium — Save my Country, Heaven ! Save the good old Constitution, for I love the Constitution of my Country !* This or idler Cant will do, and be call'd *Liberty*, where there is a *Spirit of Licentiousness* amongst the People.

But let us consider the Matter more dispassionately, we must know that all such Individuals as are associated under one Communion can have but one common Interest ; and that all the lesser Communities, fram'd upon such a one common Interest, must be all linked together under one continu'd Concatenation. Now this Interest is the very Soul and Spirit of the Government ; and such Government can only subsist by the concurring Consent of all its Powers in their several Subordinations to this Interest. But where any one Part is taught to consider itself, not as connected with the whole by any Intercommunity of Right and Interest, but merely ally'd by voluntary Compact for the Preservation of its distinct Interests ; and that the Protection of such is the only End of Government, and the Support of it ought to be the only Measures of its Policy : It becomes the Politics of *such* to hold themselves as distinct and unconnected as possible, and to talk much of the *Independency of the Powers of Government*. But if this Malady has touch'd but one the most minute extream Part of a State (so virulent is the Poison) it shall spread itself through the whole People,

People, and infect and corrupt the whole Mass, and where that Corruption hath once broke out, it will glut itself with the total Ruin of that Constitution.

It were endless to observe how many free People have lost their Liberty, by their Leaders using the Principles of Liberty to the base Purposes of Party and Faction. For where these Fiends have once insinuated themselves, or been *imposed upon a People under this fair Disguise*, they have never failed to break all that Order and Harmony, and to dissolve that Communion, by which alone a Government can subsist. We read in *Livy*, that this one Plague had seiz'd all the States in *Italy*, these *Principles of Independency* between the People and their Governors, and between one Power of the Government and another *. And we read in *Livy* that all these States were destroyed. We see in our own State, that this Party Policy has been long the reigning Principle, and That *Independency*, which is to disunite and dissolve all Connection amid the Powers of Government, has been the only Spirit of Liberty : But may no Ages yet in the Womb of Time ever feel the dreadful Consequences of it.

That the Mob and noisy Part of Mankind should be thus misled is nothing strange : But one would wonder how the thinking Part, that mean not to falsify, should be thus deceiv'd. But when the Infirmity of Man's Nature is consider'd, how long a Person may revolve, and even perceive any Sentiment, may see some faint Relation and Connections of the Ideas it is compos'd of, and yet not be able to frame and model it, so as to represent it to his own Mind as actual Knowledge : One sees from this Infirmity, how willing the Mind is to catch at any Assistance, from those artificial Forms or mechanical Frames that may serve in general to cloath and convey its Ideas with. It is thus we hear of pure Aristocracy and Democracy, though there be no such thing as either in Nature, Art, or Example ; it is hence we hear of Governments mixed and compounded of the three pure

* Unus velut Morbus invaserat omnes Italie Civitates, ut Plebes ab Optimatibus diffentirent ; Senatoris Romanis faveret, Plebs ad Poenos rem traheret. *Lib. 24. §. 2.*

Forms, as of three actual distinct things ; it is hence we talk of the People's having the Lead in the *Imperium*, though we know that it is impossible that any People in the Bulk should be capable of Counsel. Here we talk of the WISE FEW the Senate having the Lead, though here too we know it is impossible that any Number of Equals can long subsist without some LEADING ONE at the Head of them. While we please ourselves with talking of these three Parties as subsisting actually by themselves, though at the same time we might know that they actually cannot so subsist ; We distract that Communion, by which alone these could have any Subsistence at all.—This Method of representing the thing, while it is only meant for the Ease of Conception, and ready explaining the Matter is useful and scientific ; but when it is introduc'd into Practice, as a true Dissection and Analysis of an actual existing System, and thus apply'd to the Purposes of Policy, it is the Ground of all the Error and Confusion that can embroil and mislead a People. In the first Light it hath been consider'd by all the great and wise Reasoners in this Matter, but in the latter by none but mistaken or designing Men.

And it is thus the Folly and Villany of Mankind have conspir'd to misrepresent and pervert those Principles, which to be rightly inform'd of is of the utmost Consequence to them.

Q. Scæv. Be this Description of the Matter, and this Explanation of the Form, of this Policy, how it will ; yet from the Nature of the End of these Principles, I do not see how any Man can be oblig'd to subject himself to the State, any otherwise than by his own Consent, or any longer than those Measures of Government, to which he consented, when he connected himself, are pursu'd. All Men, you say, are equal by Nature ; all Men are born free, and in a State of Nature ; till they do connect themselves ; and they can be connected by nothing but their own free Will and Act : And the Conditions of their Connection can be no other than according to their own Consent. “ For a Child is born a Subject of no Country or Government what-

" ever *." No Compact of his Father's can be binding to him, nothing but his own Consent can connect him. " For every Man's Children, being by Nature as free as himself, or any of his Ancestors ever were, may, whilst they are in that Freedom, choose what Society they will join themselves to, what Commonwealth they will put themselves under †."

Thus in the forming of Government, nothing in the World can give the State a Claim upon the Service of one who hath not of his own Accord willingly vouchsafed to subject himself, and this by some Overt Act ‡. This Overt Act is the accepting the Terms of the Government, and submitting himself to it on the Conditions of enjoying that Protection, which such Government gives to the civil and personal Rights of its Subjects. This Allegiance is thus only conditional: And the Conditions of the Obligation are reciprocal to the Protection given. So that if the Person has not yet put himself under the Protection of the Government; or is by any legal Disabilities excluded from it: or if the Conditions of such Protection are not fulfill'd, but broken: or if that Protection hath been any how withdrawn so that the Subject is forc'd to put himself under the Protection of some other State; his Allegiance, being reciprocal, will be always there, and there only, due whence he receives his Protection.

It is thus and upon these Principles that Dr. Burnet, in his Vindication of himself says, in answer to the Citation and criminal Letters issued against him here in *Britain*, when he was under the Protection of the States of *Holland*, that certainly a Subject may transfer his Allegiance by putting himself under the Protection of any foreign State: That he may become naturaliz'd to any other Government by which his Allegiance is translated †. And it was upon these Principles that the States of *Holland* did not give him up, but supported him under their Protection, and call'd him their Subject.

* Locke on Gov. Treat. 2. §. 118.

† §. 73.

Men may become Members of Society by giving their Consent either explicitly or implicitly. Woolaston Sect. 7. Prop. 7.

‡ Burnet's Tracts, Vol. II.

Upon this Maxim too, when King James the Second wrote to the States, that he had Occasion for the six Regiments of his Subjects that were in their Service, and desired that they should be sent over to him, the States answer'd that the Regiments were theirs : They had paid Levy Money for them, and had them under no Capitulation that had reserved an Authority to the King to call for them at his Pleasure ; so excus'd themselves that they could not part with them ; but gave Orders that all Officers that should ask their Congé should have it *.

Upon the same Grounds, as being reasonable and the Custom of all Nations, Perseus of Macedon answered the Pretence the Romans gave out, when they wanted to take Occasion of making War upon him, namely, that he made himself accessory to the Crimes of certain Delinquents, that had been banish'd from Rome, by admitting them to his Protection. Upon these Grounds he reasons to this Purpose, that when they had withdrawn their Protection, and prohibited these Criminals from the Communion of their Country, to whatever State these Persons, in these Circumstances, betook themselves, tendering their Service, that that State has a Right, if it pleases, to take them into its Protection. *Et bercule quid attinet cuiquam Exilium patere, si nusquam Exuli futurus locus est †?* It was upon the same Reasoning, though not with equal Justice, that Mr. Knight, who was arrested within the Jurisdiction of Brabant, was not surrender'd to the Government of England.

If then in any of these Cases, Subjects can thus withdraw from their Allegiance, they may become independent of that Sovereignty whose Subjects they were : And if they are independent of that Government, they are as much in a State of Nature with it, as one Kingdom is in Respect of another. And therefore in like manner, should any Matter of Difference arise (between them) and give Cause to Arms, they may justly have Recourse to Arms, and are entitled to all the Laws therof, as much as one Nation is with regard to another. And if their Arms should fail,

* *Buniat's Hist. of his own Times, Vol. I. page 734—5.*

† *Livius Lib. 42. §. 41.*

ought to be treated no otherwise than Prisoners of War. For no one can have a Right (according to these Principles) to judge for them, or determine the Equity of their Cause; there can be no Appeal but to Heaven; and in that they have a Right to defend their Cause, even to the putting Life upon the Issue.

Thus these Principles, of a State, that founds its Establishment in the Consent of the Constituents *for the Purposes of Protection*, prove the Dissolution of all Government. For by these Politics a Man, or a Number of Men, may find equitable ways to desert, betray, or even subvert the Government of his Country, and be clear of all Imputation of Treason or Rebellion. So that the Duty of Allegiance, which you in Power wou'd have held in so high Regard, becomes a mere Thumb-band or Rope of Sand.

L. Crass. I confess all this is very specious; and when enforced with that Authority, which your Character gives you amongst us, is apt to persuade: and in matters of less Consequence, I should rather mistrust my own Judgment than suspect yours; but I think I see in your Reasoning such abominable Consequences, the Seeds of perpetual War and Massacre, that I cannot but abhor them, even tho' I were not able to unravel these cunning Links of Sophistry, I call it so, because you have endeavoured to distress us even with our own Confessions: but tho' you are pleased to found your Reasoning on our Principles, yet when you hold them in another Light, when you throw quite another Colour on them, they can reflect that Ray only which they receive, and this with the more Lustre on the blacker Ground. They are not the Principles of Confusion but Order, yet you have interwoven them with Anarchy; they are the only Ties by which a Man can be connected with the Government, saving all his Rights and Liberties; and the only Obligation that can hold him there inseparably by his due Allegiance. For if a Man be once thus lawfully connected with the Community, no Claim in the World can dissolve him from that Allegiance he bears to its Government; for the Communi-

ty thence forward must have a Claim to him and his personal Service. And if he dislikes the Measures of the Government, he has no way left to oppose them, but these formal ones, which the Community hath thought fit to establish for the Security of its Liberty. Therefore while that Government subsists, all violent Attacks upon it, by any Part of the Community, can be deem'd nothing but Rebellion, and all Invasions of its Rights, by any Part of it, can be reckon'd nothing but Treason.

Q. Scæv. I fancy I apprehend your Argument, namely, that while any People live under the Protection of the State, and enjoy the Rights and Privileges of the Community, any direct Act of that Party to the Violation of the State is absolutely Treason: and the State has a Right to prosecute that Party, as Traytors. But this is not the Case here, nor to the Matter in Dispute. The Point is, whether a Person is not born in a State of Nature and Freedom, and remains so 'till he shall by some Act of his own connect himself; and whether being thus connected only upon certain Conditions, The Conditions not being fulfill'd, he can again be disengag'd.

The Case of the *Irish* Troops that have been found amongst the unhappy Party in this late Affair, comes precisely up to the Matter. They were not in Arms against the Government while they lived under the Protection of it. They were born indeed under the Jurisdiction of this Government, but it being a Government to whose Principles and Maxims (that is, to the Conditions by which they must be admitted to the full Protection of it,) they could not give their Consent, they have accordingly never connected themselves by their own Consent to it, and therefore are not connected according to the Principles above. But having lived under a temporary Allegiance, as due to that Protection which they received by the Toleration of the Government, have some Time since resign'd that Protection, and withdrawn from this Allegiance to the Government under which they were born; have put themselves under the Protection of another,

ther, and they say it is now due to that State which supports, protects and maintains them ; and they are accordingly obeying the Orders of a Government that maintains them, and are fighting the Battles of a Country that receives and supports them as its Subjects to fight their Battles. They are in the Pay of *France*, and therefore owe Military Allegiance to the Military Power ; and as Soldiers must obey every Order, and act wherever they are commanded ; Therefore, as they rightly say, you must either disavow your Principles, or forego all Claim and Title to their Allegiance.

L. Crafſ. All this Confusion and false Application of these Principles arises from our talking too crudely of a State of Nature, as the actual natural State of Man's Existence prior to all Government : and of *Society*, as *an artificial Remedy superinduced upon this State*, by every Individual's actual Consent to redress the Perversions of the natural Situation.

Thus the common way of considering this Point has been in the following manner : To know how Men came to be thus connected together, they have supposed a Time before they were connected at all, and then from examining the Circumstances of this State, which they call a State of Nature, they have attempted to find out, what should be precisely and adequately the Cause, why Men left this independent State, and connected themselves in Society or Government ; and as there never really in Nature could be any such State, every one have followed their own Fancies in describing it. One Part have painted Mankind running about like Beasts, feeding in the Fields, and dwelling in Caves and Dens ; but of these some, as Mr. *Hobbs* and his Followers, have made them of the fierce and wild kind ; while others rather treat them as tame and domestic. Another Part has drawn this Age as a Race of God-like heav'nly Beings, above the ordinary Wants and Passions of the present degenerate one ; and indeed, as the Stagyrite says, if Man be taken out of his natural social State, he must be supposed either a God or a Beast.

Now

Now I apprehend that this first setting out, has been the Cause of much Confusion and wild Reasoning in this Matter; for instead of examining what could be the Reason of superinducing a Regimen or Government upon *the State of Society which is the real State of Nature*; they suppose this State to be independent of all communicative Inter-course, and then seek for Reasons why Men should enter into Society or Government which they confound as the same Thing; whereas the true Method seems to me to be, to examine what is the real natural State of Mankind, and then from seeing why in such a State they cannot possibly subsist without Government, the Reasons will appear why they must necessarily connect and subordinate themselves in Government. Whoever considers it in this manner will find, I believe, that the *social State or a State of Society is the real State of the Nature of Mankind.* To separate and distinguish the Ideas of what is commonly called a *State of Nature* and a *State of Government*, for the Purposes and Ease of thinking is just and scientific; but to argue from such a State as an actual existing thing, and to refer to that as a Proof from Matter of Fact, is false and unphilosophical: For Man is not, nor cannot be that wild random independent Being we talk of; but *Society, the political State, is the real natural State of Man.* Nor is Government a mere voluntary artificial thing, but essential to the Nature of Mankind.

That which is of Nature is the State of Nature; now that Man should subsist by and exist in Communion is of Nature, therefore the Communion of Mankind is the State of Nature. For Man, whether we consider him in every State and Circumstance of Fortune thro' all the Stages of Life, if we look upon him an Infant groveling and crying upon the Ground, thro' Life, to that second more helpless Infancy of old Age, we shall see him in all his Wants and Imperfections incapable of supporting and maintaining this strange implicated Frame of Being, scarcely in one Instance, much less thro' all of them. Again. If existing in that Habitude of things, which is suitable to the Power and Properties of any Being, is its natural State, how precisely

precisely so is COMMUNION that State of Man? All his Powers and Faculties are formed for that, all his Affections private, domestic and public, not only formed for it, but incite and drive us into it. There is a Principle of Attraction which we can no more resist to hold ourselves unconnected, than we could resist that earthly one of Gravity to suspend ourselves in the Air. Nor is all this in vain and useless, *'tis the very Spirit of that System in which we do actually exist.* 'Tis that Spirit by which this System and our own Existence must be preserved. Man cannot subsist but by Labour, and tilling the Ground which is given for his Subsistence, and by working the Fruits and Produce of it: but all these things are connected in their Existence, and their Properties are interwoven and run into one another: therefore in whatever Point Man labours, his Labour must connect him or destroy him.

But these are abstruse Matters and need a DIAGRAM.—Come to this Window—here he threw open the Casements and we were entertained with the most noble and delightful Prospect of a great Tract of Country that I ever saw, for the House standing just upon the Brink of a Cliff, we looked over a very extensive Vale that formed a kind of Amphitheatre. Our Situation was so much above this Country, that, as if we were some superior Beings, we could comprehend the whole at one View, and consider the Parts of it (which if we were amidst them would more than absorb our Apprehension) as distinct and small Portions. We could talk of large Fields of Pasture and Tillage, great Tracts of Plantations, and even large Towns, as of very simple distinct Ideas which we could easily manage.—So very fine a Sight occasioned a Pause in the Conversation; but after some time *Craffus* resumed his Discourse, and said, pointing to a little Farm just at the bottom of the Hill; Do you see there that little Cottage just under us, here at the bottom of this Cliff? 'tis reckoned one of the prettiest little Farms in the Country. You see, by that little Rivulet that passes thro' it, how well 'tis watered, and this Wood that gets up the side of the Hill here, belongs to it. That large Pasture

that

will

that is half enclosed by the Rivulet is esteem'd a sweet bit of Ground, as you may guess by its being so well stock'd ; that fine Crop too which looks so yellow, and reaches a good way on by the Hill-side belongs to the same ; beyond that, yon large Plain is its fen Meadow, and its home Grounds, see here just about it, those Closes on the left Hand. And from that Garden Spot and Orchard just behind the House, and the great Number of Poultry in the Yard, you see that it has every thing within itself.

You would say now that from Industry in this little Corner, might be served not only all the Wants, but all the comfortable and pleasureable Enjoyments of Life ; and as Matters now stand, why so they may ; and the Farmers that now live in it are, perhaps, the ancientest Family in the Country, for the *Mowers* have rented it, Father and Son, in Succession beyond all Memory ; and you see by its Produce, and the Condition of its Fences, that it wants no kind of Cultivation and good Husbandry.—Well, but do you see yonder, as far as you can see, at the Foot of those Hills (where that great River coming round enters the Prospect)—towards the Right there—do you see something as it were a Wart in the Horizon ?—However circumscrib'd within itself and independent this Farm here may seem, I can assure it is so intimately connected with yon almost invisible Spot that it could not subsist, nor be what it is without it—If we had the Telescope here you would see that yon Spot is a *Minery*.—Now tell me how could this Farm be inhabited without Houses or Huts, or how could it support its Inhabitants without Culture ? But without Tools and Implements we must be reduced to digging Holes with our Nails to burrough in, and without the Implements of Husbandry we must work, as well as eat, with our Teeth. 'Tis yon Spot that supplies the Materials for all these Instruments, and that Boat there that is coming round yon Reach of the River, is bringing them to that large Town to be made up. Now how do you think that vast Multitude of Inhabitants (the Noise of which we almost hear hither like a hum-ming) can be subsisted, but from that great Tract of Country which

lies

lies round it? So that you see this little Spot here is so far from being independent, that its Interest, its Subsistence, is interwoven with the greatest, the most distant Parts of this vast Tract of Country. But was I to pursue this Consideration further, thro' all the several, various, intermediate and collateral Connexions, you would see that not only this Spot and its Inhabitants, but every the remotest, the best and worst are all so inseparably connected and link'd to each and the Whole, *that there is ONE UNINTERRUPTED CONCATENATION of a one Interest and Existence of the Whole.* If we were to consider those whose Care is the bringing forth, and producing, and nurturing the several Products and Fruits of the Earth both internal and external—Next those who work them up through all their innumerable Variety of Frames and Fashions, to the almost infinite Uses and Purposes of Mankind—then all those who prepare and make the Tools and Instruments for those to work with—how these connect and are connected with the Whole—then those who dig and work the Materials of Which these are made—and then those who distribute and vend all to the Consumer—and lastly the Means and Method by which all this Intercommunion and Commerce is carried on—Were we minutely to consider all these Links of which these are only the Heads, you would look upon this Landskip before us as one great intricate and exquisite Piece of Mechanism; which by an almost infinite Number of subordinate Powers, all severally connecting and connected to each other, all together conspiring to the one universal Movement of the Whole, directs its Operations to the noblest Purposes, the Support and Welfare of Mankind.

Thus we should see Man not that distinct independent Creature, but how every Individual is link'd in with each other and the whole Community. We should see that all Mankind are, as *Charondas* calls them, Mess-mates and Fellow-boarders.—But these are dry Matters before Breakfast, and there is no End of them.

The *Mythologists* set it in a more easy and lively Form; they say that *Jupiter*, after he had seized his Father, and had taken upon himself

himself the Government of the World, came down to Mount *Ida*, or the Peak of some high Mountains whose Heads are above the Clouds, from thence (as we may do from this Cliff) to survey his Kingdom. But whether it had suffered any Violence in the late Revolution of Nature, or he had been misinformed, is not clear; however instead of that fertile fruitful teeming Earth, flowing with Milk and Honey, inhabited by a Race of Men living in Peace and Plenty, feeding on the spontaneous Produce of the Earth, and sleeping on Carpets of Flowers, instead of such visionary Scenes of Nonsense, he found it wild, over-run with Weeds, a Land of Thorns and Thistles; and Mankind as wild as the Country, and near as savage as the Beasts of it. In short he found Nature in a distracted disunited State; existing at Random and by Chance; and going by piece-meal, one part after another, to Wreck and Ruin; and Chaos gaining upon his Empire every Age. In that Instant he took from his Girdle that *golden Chain* eternal and infinite, with which he holds all Things, and poured it forth in an invisible ineffable Manner through every Power and Mode of all Existence, so as to interweave the Essence of every Creature into one another, and to connect them all, so that they could not exist, but by and in Communion with one another. And thus this Communion of Society is *founded* on that universal Law of Nature, by which all things, as in some golden Chain, are connected, and united, upheld and maintained in one System and Co-existence.

Being all thus linked together in one Communion, in one common Interest, they may be properly said to be a Society, a People; but yet having no natural Principle of acting as one Whole, they are in a natural Incapacity of managing this common Interest: Therefore his next divine Thought was to lay open before the Eye of their Reason so much of the *Rationale* of this mystick Chain, as to instruct them how they ought to frame and subordinate each amongst themselves, as to put on a Form capable of such Principle; that there might be some one determinate Method, by which this indeterminate and difusive Power might be capable to exert itself, as the Power of one Body,

Body, one Whole. And this Form is what may be called *Empire* or Government. And thus, says *Plato*, Polity is the Care of the Communion of Mankind *.

Q. Scæv. This golden Chain that lies thus open to the Eye of Reason, may be, for ought I know, very reasonable, but I want to know what actually could determine these Connexions and Subordinations to be such as they are. What could determine this our Legislator (for so likewise we will call those Chances and Vicissitudes of things by which Governments have been brought about) What could determine this Legislator to divide the Multitude into the Governed and Governor, and to place the Power of Government in any one Part rather than another? Whence arose that Authority and Influence with Power to support and maintain it? I know many, like some rough reasoning *Brennus*, would throw the Sword into the Scale, and say, That only ought to turn it. But how came *Brennus* by the Direction of this Sword? How came about those Connexions and Subordinations, by which that *Empire* (which he hath at the Head of the States Forces) was formed? So again we return to the same Question, What is that by which we can precisely say, that the Balance of Power does actually preponderate to this or that Side, and what can be the Matter of such Balance? It cannot be meer brutal Strength or Force; for if so, *Caligula's* Horse had as good Right to the Consulship of *Rome* as his Master.

L. Crass. Either my own Heedlessness, or your Artfulness has drawn me in to preach and dogmatize like any bearded Sophist; but I wish with all my Soul our good People would come down to Breakfast, and spoil this Sport, for I am quite sick of myself. But if there is no Help for it, I must go on. — Well, to take up again the Philosopher.

* Επιμελεία ἀθετίς; σορτάση; κοννίας.

The Possessions of this Earth, or those things with which a Man must be cloathed and fed, consist of the Products of the Land cultured and manufactured. These become a Man's either by his having acquired some Land, or where by being allowed to employ his Labour on another's Land, he has a certain Share in the Products of such Land. This must naturally divide Mankind into two Sorts of Inhabitants, the Landholder and the Labourer. Of which any Body, that sees the Course and Vicissitude of human Possessions, will easily know the latter must be the Many, the other the Few; and that the Many must necessarily be dependent, and under the Influence of such Few: And that these Few likewise must be under certain Connexions and Dependencies amongst one another, in Proportion to their Interest amongst one another, and their greater or less Influence over the Many. And to this Purpose we read in Aristotle; If the Government be thus supposed to be founded in the Balance of Property, each Part of it will have a Share of such Government in Proportion to his Property. For of an hundred *Minæ* it can never be, that he, who only contributes one, should have an equal Share in the Distribution with him that bears all the rest of the Dividend, neither in the first Constituents of Government, nor in their Successors the Subjects of the same *. This Balance of Property can alone be (where there is no Violence done to the Vigor of natural Principles) the Matter or Ground of a Balance of Power, as we have a most illustrious Fact in the most ancient Account of the *Egyptian Empire*, which was settled by *Joseph*, as it remained to the Days of *Diodorus Siculus*. This BALANCE OF PROPERTY can be the only first, natural, real and permanent Ground of those Connexions and Subordinations which form an Empire; however variously Authority may afterwards build upon it by Intrigue. Such who think it sufficient to account for this secondary Principle, may see the best Account of it in one of Sir William Tem-

* Εἰ μὲν γὰς τὸν κτημάτων χάριν ἴκονάντας καὶ σύνδος, τοσοῦτος μείχεσθαι, δυνατός τὸς κλήρους—οὐ γὰς ἵνας δικαιοῖ τον μείχειν, τὸν ικατὸν μῶν τὴν εἰσαγγελίαν μιαν μῶν, τῷ δέσποιντὸν λοιπὸν μῶν, εὗται τὸν οἶκον αἴρεσθαι, εὗται τὸν ιστιγμούμενον. Aris. de Repub. Lib. 3. cap. 9.

ple's Essays on Government. But this Balance of Property is the original real Foundation, and in Proportion to the various and several Aggregations of it, this *Empire* must put on its various Forms.

But further, whoever have taken upon themselves the Legislator (either in Speculation or in Practice, in Treatise or in Fact) have failed or succeeded according to their Attention to this Point. For this is a Thing really existing, and can moreover only exist as it hath its Foundation in Nature. For whoever hath attempted to frame and model it artificially to their own Schemes, instead of building upon it as a Foundation existing in Nature, have all found their Schemes *Utopian* and their Legislature abortive.

All the lesser Politicians who have written of these Matters, have never so much as dreamt of this; and many who have had an Eye to it have so nodded about it, that they have always treated it as an artificial thing, which was to be framed and modelled even any how, just as best suited their Hypotheses. The first that applied this Doctrine to Politics, was PHALEAS of Chalcédon *, and his System was, that all Estates should be made equal, and all Degrees levelled in a free City, and that there should be an open Intercommunion established amongst all and every Citizen. The next that we know of, is HYPODAMUS the Milesian, who in his Treatise of Politics, would model this Foundation into three artificial Parts, and upon these form his three Kind of Citizens and their several Natures, the Husbandman, the Handicraftman, and the Military Order.

But there is one Mistake which runs through all these *Utopian* Levellers, and which they take up one after another even down to Sir Thomas More. And it is this. They see the natural Connexion that there is between the Balance of Power and the Balance of Property, but think this Balance is a meer artificial Thing, and must owe both its Nature and Existence to the Wisdom of the Legislator, not at all.

* Δοκὶς τοι περὶ ταῖς Οὐσίαις οἴναι μάγιστρος τούτων καλέσ—δἰα Φαλίας ἡ Χαλεπῖνος τοῦ ιστορικοῦ περὶ τοῦ. Ariſt. de Rep. Lib. 2. cap. 7.

considering

considering the most intimate Connexion there is between this and Nature, that is the Nature of the Country and People where it is found. It is this Consideration which distinguishes the *Utopian* from the Politician: And it is this which distinguishes the great Mr. *Harrington* from these Wild-shavers. He says indeed, as do all the best Writers, that this Balance is to be rectified and regulated by the Hands of the Legislator or Minister: But that it has its Foundation in Nature, in the Scite and Circumstances of the Country and People. And though the Government of his *Oceana* may appear in so questionable a Form; yet as he all along supposes it to be built on such a Foundation, as where the Balance of Property is in the People, and says it can be only true and right as that is Fact or not, we can only condemn it when we know, whether at the Time in which he wrote, there was such a Balance or not in Favour of the People. But if he had been alive at this Day, he could have shewn from the same Principles, upon which his *Oceana* is founded, that the Constitution of our present State is founded in Truth and Nature, and therefore legal and right; because his Principles are no visionary ones of Fancy, but drawn from Nature and Fact.

And further, free Governments must not only be founded, and originally constituted upon this Balance, but must be administered likewise upon these Principles. However the Forms of Government may have *arose* upon this, it is from this alone that they can take their Policy. For wherever the landed Property is, there will (unless there be some unnatural factious Violence against the Vigour of these Principles) be also the Power.

Now in an industrious trading and free Nation this naturally will be often shifting and changing Hands. Thus, says *Plato* *, come about the Revolutions and Changes of Power in a Government. And thus, for Instance, the Democracy gains upon the Few. " While the young Nobles, attending to nothing but their Pleasure, indulge

* De Repub. Lib. 8. p. 555. Edit. Serrani.

" in

" in every Extravagancy of Expence, the People partly by Purchase,
 " and partly from eating into their Estates by Usury, buy them out
 " more and more every Day, and every Day become more rich and
 " more powerful, till the whole Balance shall have shifted into their
 " Hands." Now while the old Possessors who have parted with the
 Land are unwilling to part with the Power that hath lain so long in
 their Hands, arise those Struggles which are the only real Parties in a
 free Government. But verily at last the Power must follow too. And
 then those old Families who formerly had it, think the Constitution
 corrupted, and the true Balance destroyed. And, as in all wise and free
 States, there will be a mutual Connexion between the Men of Pro-
 perty and the Government, this will naturally give Rise to these old
 Constitutionists to consider the Government and Country as in two
 different, if not direct contrary Interests. This has been eminently
 the Case in all those great Shiftings of Property that have happened
 in this Kingdom : As at the Time of the Reformation, when Trade
 first began to flourish, and the Commonalty to grow Considerable :
 and it was upon the Humour that took Rise from a like Occasion not
 half a Century ago, that the artful Author of *The Dissertation on
 Parties* has engrafted that invidious and mischievous Distinction of
Court and Country Interest.

Now if we consider those Struggles and Parties that happen in a
 free Government, by these Principles ; we shall have no Reason to
 make such Governments consist of such heterogeneous Stuff, as dif-
 ferent and distinct Interests.. For whatever real Parties there can be
 in a free Government, they can only arise from the changing and
 shifting of this Balance while the Power is getting into other Hands
 than where it was before ; but whenever it goes, if it be no further
 extended, and no otherwise founded, than on the Balance of real
 Property, it is equally legal and true, be it in the Hands of the Ma-
 ny, the Few, or even One. But wherever there is any popular Tu-
 mult on one Hand ; or Cabal of the Few, or Tyranny of the One,
 on the other, that aims to do Violence to the Vigor of these natural

Principles ;

Principles ; such Party becomes a Faction ; and it becomes the Duty of every honest Man to oppose it with all his Might, and with all his Strength to endeavour to crush such Faction.

Upon this Balance have all Governments that have been able to subsist and maintain themselves been formed or arose. Whether they have been formed at once where some *good and great Man* has shewn the Community this Balance, and formed and fashioned their several Connexions and Subordinations accordingly : as those of *Crete, Lacedemon* and *Carthage* : or where by degrees and length of Time, fluctuating by all the Changes and Chances of Fortune, thro' all the Vicissitudes of Time, and revolving from one Extreme of utmost Hazard and Ruin to another, from being tried and experienced in every Evil that can be survived, *The People* themselves have come, as it were, to feel it out ; as in *Athens* and *Rome*.

The considering the Matter in this or some such Light would free this Subject from all the Difficulties and Objections with which it is attended. For you see by this how every Man is even from his Birth, and in that State of Nature which we talk of, so connected to the Community, that his Attachment is indissolvable but by the Dissolution of the Community ; and you perceive how all those Ties by which he is connected and subordinate, spring naturally one from another to the utmost Strictures of Government, and yet all consistent with that Liberty, which is consistent with the natural State of Man, the Social. But it yet remains, whether upon the Application of these Principles to the *real Exercise and Administ'g* of Government, whether they will be found throughout consistent with that true Policy which is founded in Liberty. For if these be true you may see that a Subject is inseparably connected with the Government : but how this can be, and how it can be consistent with Liberty, must remain a Doubt.

Q. Scæv. But it must not remain so ; I own I should be very glad to see a fair Plan of your Reasoning ; and not only a Plan, but rather an intire Structure of your System : it would give me great Satisfaction

to

on to see how these Doctrines hang together ; and I should be heartily pleased to reconcile your Principles and your Politics.

L. Craffus. As nothing would give me greater Satisfaction than to vindicate myself to one of your Judgment, I will endeavour to do it ; but, if it is to be done by framing Hypotheses and building Systems, neither my Abilities nor my Inclination will befriend me. I had once occasion to be pretty much with some of those *Irish* Officers in the *French* Service (whose Case we just now mentioned) I had frequent Opportunity of conversing freely with them ; and this very Subject, amongst many others, was a Topic of our Conversation ; there was amongst them a Person of Spirit and Learning ; and I freely own that these very Arguments, which you now use, he would urge with such Force, and under Colour of such enlarged Benevolence, that, half charmed with the Appearance of his Humanity, I have been often dazzled with the Speciousness of his Reasoning. And, as it was a Subject I had but little considered, I could little answer his Arguments. However, I was very careful to remember them, and even to write them down. And since that Time I have been led into a Chain of Reasonings on this Subject, that endeavour to avoid these Difficulties, and to settle precise Ideas of Communion, Society, and Government ; and that Relation there is between the Government and Subject. Which if you think it worth your while to hear, you may ; so if you like it, after Breakfast we will retire into the Study.







PRINCIPLES OF POLITY.

PART II.

ACCORDING to our Appointment, *Scevola* takes me up with him after Breakfast, into the Study, where we found our Friend *Craffus* sorting an Heap of loose Papers, and turning over, and doubling down the Leaves of a Strange Number of Books: I must own, that, besides the Disgust I immediately conceived from such a leaded Table as I here saw, it could not but make occur to me that strange literary Affectation, which so over-

runs some of themost ingenious Books of this Age. Well, *Lucius*, says I, we see you are preparing to receive us : And, tho' you modestly declined the Building of Systems, I see you are resolved to intrench yourself, and secure your Post, by building this Barricado of Quotations and Authorities.—But, for Heaven's Sake, why all this ?—I confess for my Part, that when I am in the Company of my Friends, and those such as have Spirit enough to advance some new Point of Conversation, and Sense enough to guide it, I had rather hear your own Sentiments, in the plain friendly Language of your own Heart, than hear you repeat those of another in however scientific a Manner. All the Use that I know of such Materials is, either to illustrate or confirm ; But, where a Man has a just and true Taste, he will show it more by treating a Subject in a natural, easy, and plain Manner, than by all the Richness and Embroidery of Quotations : If he is not sufficiently Master of his Subject to explain it from his own Thoughts, he never will be able to do it from those of another : And for Matter of Authority, if that may ever lawfully be used, there can be none more winning than that of a respected Friend.

L. Crass. Believe me, I am as averse from this false Parade as you can be ; but in Matters of this Nature, where any moral or civil Reasonings are endeavoured to be explained, as consequential upon some prior System, whoever aims to make a Draught of that State or System, will always lie under the Suspicion of being visionary and hypothetical : As I dare say, if the Truth was known, you thought our Conversation before Breakfast had too airy an Appearance. Therefore, in considering this Subject, I have endeavoured to make such an *actual Survey*, as may obviate all such Objections ; and these two or three Places that my Papers refer me to, are, if I may so call them, the Bearings and Soundings of this Chart. So that I hope to be able to demonstrate the Thing from the *actual* State of the Case. However, before we proceed any further, let us look back and see how far

(from

(from what we were able to settle between us) we are already advanced.

If I rightly recollect our Conversation, it hath appeared to us from Fact, by Instances and Examples of the several Reasonings and Arguments in common Use, that the Principles of the Doctrine of an original Contract have been misunderstood, and misrepresented, as well by those who affected to maintain them, as by those who professedly opposed them; and this in every possible Case that can be supposed, and in every Use to which they can be applied: Whence all that false Policy, that calls Factions and Parties, and Checks, and independent Interests, and such Stuff, Constitutional. And the Method in which the Subject arose to our Consideration, whether naturally or from my Friend *Quintus's* Artifice I don't know, was by our reviewing the Circumstances of the Origin of this Contract in all those Points of View, which the Logicians would call the four Causes of its Existence, the Material, the Formal, the Efficient, and Final. We found it misrepresented in its Constituents, when the Contract is any how explained as an Alliance between King and People; whereas it is AN UNION OF EVERY INDIVIDUAL IN ONE COMMUNITY. We saw that its very Frame and Constitution is perverted, when it is said to consist of so many different and distinct Interests, allied together by voluntary Contract, an *artificial Form* made and instituted at the Will of the Legislator; whereas it is found to be an ACTUAL NATURAL SYSTEM, arising from the Vigor of natural Principles. We seemed likewise to agree, that the efficient Reason, which is referred to as the Cause of Government, is mistaken, when it is represented to be the Fear of external Violence; whereas it appeared to us, not to be Impulsive, but ATTRACTIVE. We saw too that its End and Design is absolutely destroyed, when Protection simply is represented as the final Cause of it; and that several Actions absolutely inconsistent with the Being of Government at all were defensible on such Principles. We observed likewise how these Errors and Consequences

quences arose from the unphilosophic Manner of explaining this Subject by an artificial Theory; whereas I endeavoured to show from an actual Survey of the moral and civil System, that there is a one uninterrupted Concatenation of a one Interest and Existence of the Whole. And that thus *Communion, or the social State, is the real State of the Nature of Man*: *And that Government is a still further Progress of this System, as it arises, by Ways and Means consistent with all the Rights and Liberties of Man, from the Vigor of natural Principles*; which Principles, I hinted, were the Doctrine of the Ballance of Power arising from the Ballance of Property, determined by the Scite and Circumstances of each Community.

Q. Scæv. You must not be surpriz'd, that I here differ from you: For so very perplex'd are all Reasonings in mixed Modes, such as moral Disquisitions, either from the complex Nature of the Terms, or the infinite Intricacy of managing them, that we can scarce, in the most simple, arrive at any Certainty of Conclusion. Not that the Things are less capable of Demonstration, than those Truths which are call'd Mathematic, but that they are infinitely more difficult, and our Limited Capacities scarce equal to the Task. While I followed you in the Course of your Analysis, and readily assented to every Advance of your Argument, I did, without Hesitation, follow you to your Conclusion: Yet, when I would recollect it, and fix it in my Mind, I find myself led quite another Way, by the same Principles: And those Imperfections and Affections which, you say, lead Man to communicate in Society, and those Connexions which, you say, make him subserv by Communion only, seem to me the very immediate and necessary Reasons of superior Authority, and the very creating Cause of that Subordination, and which naturally constitutes and terminates in the Dominion of one. For, if I look upon Man in a State prior to Government, in what may be called a State of Nature, whether, as you say, that be a State of Communion or Society; or,

as

as it is usually apprehended, a State of absolute Independency : I see that Mankind cannot subsist and maintain even this independent Existence, but by the universal Practice and Exercise of that Law of Reason and Equity, which shall be a common Measure and Canon to them in their several Interferings with each other. Which Law cannot thus exist to that Effect, but by the Activity of some common Arbitrator, who hath Power and Authority to enforce its Execution : For in every Case, where two Parties may be supposed thus to interfere, there will be an Appeal to this Law, not in the abstract Rules of Reason, but to some one Third, who shall be Administrator and Executor between them of this Law. So that you see their Passions and Affections are so far from working them into Communion and Society, that they bring Mankind into such a State, as makes necessary and authorizes the Government of some common Administrator of Justice ; and therefore naturally subordinates them to this supremum Authority : And consequently, to use your Method of Expression, Mankind is thus by Nature divided into the Governed and Governor, who has in his Hands the Exercise and Authority of the Law of Justice and Equity. We find ourselves without this a mere Multitude, a Rout, blind and inactive : This therefore we seek, and this God has given us in his Minister, set over us for our Rule and Governance, to protect and actuate us : This, and this only, we seek in Society, and thus far our Principles naturally lead. — “ As therefore (says Aristotle), that which, in all Arts and Sciences, is the supremum Good arising ultimately from them, is their respective End, so in the Art of Government, which is the supremum Science of Man, that which is the ultimate supremum Good of Man, must be its End ; and thus the civil supremum Good is the Existence of Justice and Equity *.” And in this Manner having shown a little

* Εάν δὲ οἱ πόλεις μὴ ταῦτα ἀντέμεινεν τῷ τίχαιος Ἀριστοτῆλος τὸ Τίκτων, μήπερ μὲν τοῦτον λέγει τὸ κορινθιακόν πόλεων αὐτὸν οὐτὸν οὐτὸν εἰς τὸν τελείων διοργανόν, οὐδὲ τὸν στρατιωτικόν Δημοκρίτον. Aris. de Repub. Lib. 3. cap. 13.

“ above,

above; that there can be no other End or final Clause, he goes on: " 'Tis therefore apparent, that a Government does not become such by any Communion of Place, or from its being model'd into a Fortification against Violence, or from any Intercommunity whatever. These are not the Essentials, without which it would not be a Government; but yet 'tis necessary that these be in a well regulated State: Yet, if all these ever were inherent in a Community, it is not still, for all that, a Government; but then only it becomes such, when it is established on such a Communion of Justice and Equity, as is productive to its Subjects of a Life free and happy in every Respect, and so absolutely and compleatly such, as is not attainable by any other Means. So that the true precise End of civil Society is the absolute compleat happy Being, arising from the Existence of Justice and Equity in its full Vigor: And thus civil Society is created for the Support and Carrying to its utmost Vigor the Law of Justice and Equity, of the Purposes of the perfect happy Being of the Community. He therefore, who is productive to the Community of the greatest Portion of this End, partakes in the greatest Share of the Community, in a greater Proportion than such, who being equal in Birth, Nobility, or Riches, or even superior, if so be they are inferior in this political efficient Virtue *".

To the same Conclusion doth *Plato*, from his State of Communion, bring his Policy, very gravely deducing the Reason of their Democracy and free State from the actual equal Birth of every Indi-

* — Θεωρία τέλος ὁ πάντας εὐεξία ἐστὶ ποιητικά τόπου. οὐ τὸ μὲν αἰδινοῦ ἄρτις πόνος, οὐ τὸ μηδεποτέ χρέος αἱδινὰ ταῦτα μὴ ἀπογεγράπτειν πάντας οὐ μὲν τοῖς ἀνθρώποις τούτους αἰδινοὺς οὐδὲ πόνος, αἱδὲ οὐ τὸ ινέχον ποιητικά, οὐ ταῖς οἰκίαις, οὐ τοῖς γένεσι, ζῶντας χρέος οὐ ποτέγεγραπτον. — τίλος μὲν οὐ πόνος, τὸ ινέχον, ταῦτα δὲ τὸ τίλος χρέος. Πάντες δὲ οὐ γένος οὐ πομπὴ ποιητικά ζῶντας οὐ αἰδιάγεγραπτον δὲ ιτίδιος φαμὲν, τὸ ζῆν πόδαιμον οὐ παῖδες τῶν πρεσβύτερον οὐτοὺς παῖδες χρέον θετέον εἶναι τὰ πολιτεῖαν ποιητικά, αἱδὲ οὐ τὸ συζῆν. Δίνετε οὖν συμβούλεοις πλεῖστον εἰς τὴν τοιαύτην ποιητικά, τούτοις τοῖς πόνοις μάτιτι πλεῖστον, οὐ τοῖς πατέρων πλειστοῖς οὐ γένος ίσους, οὐ μάζαν πατέρων δὲ τὸν πολιτεῖαν αἴρετον αἴσθοντες οὐ τοῖς πατέρων πλειστοῖς οὐτερήχουσι πατέρων δὲ ὑπερέχομέντος. Arist. de Repub. Lib. 3. cap. 9.

vidual in the Origin of it. * "The Reason of our Polity (says he)
 " is the Equality of our Birth. Other Cities have been made up of
 " Men unequal and different in their Rights and Claims, whence
 " those iniquitous Politics of Tyranny and Oligarchy, whilst they
 " consider'd one another, some as Servants, some as Lords: But we
 " and ours, being equal Brothers of one common Mother, hold it
 " unnatural and an Indignity, that we should be to one another either
 " Lords or Slaves: And the Equality of Birth, according to Nature,
 " directs us to the Equality of Rights according to Law; and we
 " know no Precedency but in the Estimation of Wisdom and Vir-
 " tue."—And therefore, as *Sallust* the Philosopher says, † where all
 Things are under the Influence of Reason, and under the Authority of
 the *One Best*, there is the true Empire or Government. And thus it
 appears from this universal Execution of the Law of Justice and
 Equity, become necessary to the Intercourse of Mankind, I say, from
 the universal common Influence of this to all on one Hand, and
 from the Necessity of each appealing to this on the other, arises that
 universal Connexion of all under this one Band common to all,
 whence Community or Society; and, from the Necessity of Authori-
 ty to actuate this, arises the Empire of Government. So that, if we
 consider this Matter only, as it respects the Rise and Origin of parti-
 cular Governments, we find, 'tis not the Ballance of Property in the
 Communion that gives this civil Authority, but there only will it be

* Αἰτία δὲ ἡμῶν τῆς Πολιτείας ταύτης, οὐτὶς οὐσίαις, αἱ μὲν γὰρ ἀλλαὶ πάλις οὐ πα-
 τοδοκεῖται κατασκινομέναις Ἀθηναῖς οὐδὲ οὐ σύμμαχοι οὐτὶς αὐτῶν σύμμαχοι οὐτὶς πολιτείαις
 Τυραννίδες τε οὐτὶς οὐδεῖσιν, οἱ δὲ διοικότας, αἱλλαῖς τομήσαντες.
 οὐδὲ δὲ οὐτὶς οὐδέποτε, μιᾶς μηδὲ ταύτης αἰδεῖσι φύσις, οὐτὲ αξιόμενοι δῆλοι οὐδὲ διοικόται αἰδεῖσι
 τέλοι. αλλ' οὐτὶς οὐδὲ κατὰ φύσιν ιστορίαν αἰδεῖσι. ζητεῖν κατὰ οὐρανον, οὐτὶς οὐδὲ
 οὐτείκους αἰδεῖσι, οὐτὶς Λεγτὸς δόξῃ οὐτὶς φρεσόντως. *Plato Menexenus*, Edit. Barraci. Tom. 2.

† Καὶ αἱ Πολιτείαι δὲ κατὰ τὴν τριμερίαν γίνονται τῆς Τυχῆς ισίκασι γὰρ οἱ μὲν Ἀρχαῖοι
 οὐτὶς λόγοι, οἱ δὲ γενιτινῆται τῷ Θυμῷ, οἱ δὲ Δῆμοι ταῦς ἴπεθυμίαται. οὐτὶς μὲν κατὰ λόγον προτί-
 τεται τὰ πάντα, οὐτὶς ταῦτα πέριος ἀρχεῖται Βασιλείᾳ γίνεται. *Sallust. de Dīis & Mundo*, cap. 11.

equitably and truly settled, where, as *Aristotle* says, it is put into his Hands, who in the Influence and Actuating the Law of Justice and Equity (the true efficient Ballance) is extended over the greater Portion of the Community.

But if we truly and seriously consider this Point, by a precise Analysis of the Principles on which it is founded; we shall find that there cannot be, on this Supposition of a Communion, in whatever Manner explain'd, any such Beings existing together at the same Time, as distinct and independent Governments; but that all Communities and Societies, of whatever Denomination, must all be connected, and respectively subordinate to the one Empire, founded on the one universal common Connexion of the whole System. For what is there that shall define where the Interest of any particular Community shall end, and shall first strike off that Interest from the univeral common one of Mankind? And what shall be the Barrier to these thus separated? That we may say thus far is their Interest extended, and no farther. There can be none but Force, and this again recurs to Protection; for the lesser and weaker States are equally liable to the Oppression of the greater, as private single Persons to the Injuries of their Neighbours; and therefore the same Reason, that forms lesser and private Communities, remains till all be under the universal Dominion of one. There can be no Security or Peace, but here; on the Face of the whole Earth there will be nothing but War and Bloodshed; and the History of Mankind can be nothing but Slaughter and Massacre, till, by the Union of Part, the Ballance shall be destroyed, and, the stronger drawing the lesser into the Sphere of its Power, all the Earth shall flow together into the same Mass, and all be united under one universal Monarchy; where the Interest of all Mankind shall be under one and the same Influence, and where there can be no foreign Power to invade or molest it.

Here:

Here *Craffus*, very sanguine to reply, blush'd and hesitated so much, that it seem'd he was more willing than prepar'd to answer: However, after some Recollection with himself, he said: How much easier it is to follow any Disquisition, even in Matters of the abstrusest Nature, than to disenvelope the Perplexities that arise from the Objection of the minutest Matter? And if this Method of respectively answering every particular Objection, instead of laying down the true Theory, by which they may be all resolved, hath been found to obscure and confuse those Sciences, which treating only of the Modes of Number and Figure, from the Certainty of their Conclusions, are call'd Mathematic *: How much more so must it totally confound that Disquisition, where the Subject is to be consider'd in all the Modes, Degrees, Complexions, and Combinations of Quality, which scarce in the simplest Case has any Standard, Measure, or Idea?

† Altho', in the Course of my Analysis, I might have been able to point out, from the real State of the Case, that no such Consequence, as your Objection supposes, can follow from the true System of Things; yet it is very difficult, and almost impossible, before such Explication, to say precisely where lies the Agreement or Disagreement of such a Case to the real State of Nature: Therefore I will here only in general observe, that if you apprehend that Communion, upon which you have built your Objection, to be the same with that which I have endeavour'd to explain, you quite misapprehend the

* As was the Case in that Dispute which arose between the foreign Philosophers and the English, from the Objections that Mr. Leibnitz contrived against Sir J. Newton's Theorem for estimating the Momentum of Bodies, from the Perplexity of which Objections, Answers, and Rejoinders the most simple Theorem became almost inexplicable, till it was reduced back to its original fundamental Principles. But still the Confusion was so great, that some even yet have not been able to disenvelope it of its Obscurity.

† Άλλ' ομοις ίτα. μηδέ ανακαλύψας τας τοιαύτας αρφισθησίας ιτικότητας ή Σιβαστήρας ο; Ή τις αληθείς θεας μηκόντι, μετάθημας οις τότε αύτος έχων, οι; Εί το πρόσθιν προσύμπτων, δρα-
λογήσασθε, ιας ποτε αλλοι φανη ταῦτα η ταῦτη, παῖδε ημῶν τοις αὐτοῖς τοιαύταις λαλήσα-
τεοςθαί. *Plato de Repub. Lib. 4.*

Matter : For mine presupposes a Possession of private Property, and subsists by, and takes its Form from the several Combinations and Intercommunity of those private Possessors ; whereas yours, that it may be productive of those Consequences that you charge it with, must either with *Plato* be supposed such a total Interfusion (if I may so express myself) of all Things, as levelling all the Bounds and Terms of Individuality destroys the very Possibility of any private Possession or separate Right, in any Case whatever : Or with *Aristotle* it must be supposed only a (*Communio Juris*) common equal Right and Claim that all Men have upon each, from the common equal Share they have in the universal Existence of a Law of Justice and Equity, being a common Rule and Canon to them, as Men, not as landed Subjects *. Then indeed, in either of these Cases, the Government can be no-where but where the greatest Portion is of this Spirit of this Law ; where may be said to be the actual Seat of this Soul of the Community, which being a Spirit in all Things perfect, *aeternal*, universal, exists not locally by Parts and Portions, but continually in all Places, and all Times, the same compleatly ; is not circumscribed by those Walls, this Country, that Region ; but with its Power and Presence pervades all Regions and Oceans, even the whole Earth, and Heavens, and every Power and Order of Nature itself : So that indeed, if this be supposed the animating Cause, and Principle of Life to the Commnnity, to connect and form it into Government, it will not be the Government of this City, or that Country, but an univeral Coalescence of the whole Race of Man in one univeral Dominion.

* This is no imaginary Objection stated from a Supposition of what might arise from the false Application of these Principles. But what has been actually stated, treated on, and received as the most ingenious and unanswerable Account, of the Pope's Right to universal Dominion, as may be seen throughout that Treatise of *Vida's de Dignitate Reipub.* Which, not only for the Manner of it, which is most truly elegant and learned, but in the Matter of it, which is the most extensive and scientific, seems alone equal to supply the Loss, that the World sustains in wanting *Cicero's Writings* on this very Topic, that Society arose from the *Communio Juris.*

But

But the Method I pursued was as follows:—Since it appears to us that the Account, commonly given of the natural State of Mankind, was productive of such inconsistent and wild Consequences, the Method I took was, by reducing those Consequences to their most palpable Absurdity, to show that that could not be the real Account. Yet not to establish any other from Theory from Description, which might, as having no Foundation in Nature, be equally absurd with the Former. I took an actual Survey of this State, and found it, instead of being a State of absolute Independency, * a State of Communion, by pointing out that there is a systematical Concatenation throughout all the Powers of Nature, and that Man is Part of that System. That he is formed in his Body for Labour and an active Life, for Arts and Industry; in his Mind for Knowledge; and his Heart for Liberty †. That he is so form'd in his Affections that he hath a strong Desire to connect and be connected with the several Objects of these Affections: So that in their Absence his Happiness is proportionably darken'd and dispoil'd: And in the Enjoyment of them is so far forth again illuminated and animated. ‡ See Man in Solitude, how miserable and unsatisfied his Troubles overcome him; his very Happiness is irksome and palling: So strong is our Desire to live by, and love and be belov'd by our Fellow-creatures. This teaches us to grieve with the Afflicted, and pity them; and blesses us when we relieve them: This makes our Heart to overflow with another's Joy, and be happy in making others so; till it grows more and more

* Nullum est enim Genus Rerum, quod avolsum a Cæteris per Seipsum constare, aut quo cæteri si careant, Vim suam atque Æternitatem conservare possint. *Cic. de Orat. Lib. 3. §. 5.*

† Necesse erit ut Vires quasdam Actionesque Animi Lectoribus ob Oculos ponam, unde constat, Hominem naturaliter idoneum esse ad ineundam amplissimam Societatem; optimosque suz Indolis Fructus amittere, nisi in eam concedat. *Cumberland de Nat. Rerum, cap. 2. §. 4.*

‡ Quod Nemo in Solitudine agere Vitam velit, nè cum infinita quidem Voluptatum Abundantiâ; facile intelligitur, nos ad Conjunctionem Congregationemque Hominum, & ad naturalem Communitatem esse natos. Impellimur autem Naturâ ut prodesse velimus quamplurimis. *Cic. de Fin. Lib. 3. §. 20.*

enlarged,

enlarged, and diffuses itself in an universal Benevolence to all Mankind.

But we rested not here, that he was form'd in his Capacities and Affections for the Communion of Society ; but we went on further to survey him as a Part of that System. And here we saw how many Arts and Sciences are wanted to support, how many Hands and Heads are necessary to preserve this Being, even in its narrowest Sphere. We saw, * that almost his every Movement and Action was implicated with innumerable conspiring Movements of other Bodies, that partake of, and are Parts of the same System ; that he could not even till his Ground, so as to live by it, without the Intercourse and Commerce of others ; we saw in a Kind of Sketch, how many Hands and Trades were employ'd, how many Companies, and even Cities, interven'd, and were fed, as connected under the most simple Relation of the Husbandman and his Tools. But to have enlarg'd this Chain of Intercourse thro' all the Materials and Manufactures of the industrious and civiliz'd World, would have been a Subject of itself for a very large Treatise. Nay, I might after all have pursued this Reasoning up to those abstract Truths, which the Mind of Man is capable to collect, and have existed in the Divine Mind from all Eternity ; those Truths, which are the Laws by which this Universe subsists, and the Model on which it was first form'd ; that we might see that even such as are most scatter'd, and to all Appearance the most independent, are all connected and interwoven under the same one universal Truth. The higher we are able to pursue this golden Chain, Nature will appear more simple and uniform : " But it is " in Mathematics only that Truth appears most conspicuous, and " shines in her strongest Lustre :—In most other Sciences, all that " beautiful Analogy, all that harmonious Connexion and Consisten- " cy, is quite lost ; and those Truths that are discovered, appear so

* Omnes illius Motus _____ necessariò innumeris aliorum Corporum, que in eodem ver-
tatur Systemate, Motibus implicantur. *Cumberland de Leg. Nat. cap. 2. §. 13.*

" scatter'd

" scatter'd and so very independent one of another, that they seem
 " to have no Manner of Relation one to another, tho' it is certain
 " THAT ALL TRUTHS HAVE †." Hence it is that *Pythagoras* faith :
 " Truth before all Things existed in the Divine Mind, from which
 " and out of which all Things are digested into Order, and remain
 " number'd by an indissoluble Series ||." But enough was done to
 show, that there was actually such a Connexion ; therefore I next
 undertook to explain and illustrate that System, as an universal Con-
 catenation of the whole Creation, and such an Intercommunity of
 Relations amongst the Things of this World, that no one Being is
 perfect in its own Nature, independent and detach'd, but as a Part of
 the one great universal System.

But here before I go on to show how, from this natural State of the System of Mankind, they, *by the Limitation of their Capacities, and the Extent of their Necessities*, form themselves into Communities, and hence, by the various Combinations and Conglomerations of Property, into Government, upon these Communities ; (in the Course of which we shall see the Difficulties, about the legally and naturally distinguishing and keeping separate such Governments, clear'd up) : Before I proceed to this, I will here observe, that altho' you seem to have fallen in with my Sentiments about this State of Communion, for the Sake of objecting the Consequence of the universal Monarchy ; yet, explaining it indiscriminately, either after *Plato's*, or *Aristotle's* Manner, you are not able upon such Principles to form a Government, without recurring to the old Theory of establishing a common Administrator for the Protection of the Individual, and forming both the Government and Governor, an artificial Thing, by the voluntary Composition of its Constituents. Now as your System supposes this common Measure and Arbitrator to become such from Compact, and to be intirely artificial, I don't see how it differs so

* Sanderson's Algebra.

|| Apud Arist. Arith.

wideiy from Mr. Hobbs's Errors, as it would be thought to do.* His Sentiments aré, that a State of Nature is a Warfare, and that the Compact which calls in the Aid of Government, is a mere Treaty of Peace, and Government a general Amnesty built on that Foundation, and is merely from a Compact and artificial. You say indeed, that in this State of Nature Man is social, and that there is a Law of Nature †: Yet when you consider his Independency, and the Extent of his Liberty; and his having the Execution of this Law, every Individual in his own Hands; you find that his Affections and Passions bring him into just the same Situation as the Philosophers State of War; and, when from this Situation you consider the Necessity of a common Arbitrator and Government, the very same Reasons precisely are applied by one as by the other. And both agree in this, that this State of Government, by which alone the Society and Being of Mankind can be preserv'd, does not exist in Nature, but is intirely from Compact, and is artificial. Nay, some of those that do suppose Man by Nature social, explain the Communion or Society as artificial.

But of this to those who are more in earnest about it than you are, I perceive you only took it up as an Expedient to cement your Hypothesis; you could not but see that there is no Connexion between the Ideas of Government and Communion, as you explain it; that there is nothing in such a Communion that can divide its Constituents into the Governed and Governor; nothing *in Nature* that can fix it in the Hands of one rather than the other: This you saw, and therefore you recur to *Will*, and make such Government to arise merely from *Compact* and become *artificial*. If you had not seen this, you

* Animalium illorum [scil. Apium, Formicarum, &c.] Consensio a Naturā est. Consensio autem Hominum a Pactis est, artificialis: Mirum ego non est, si ad Firmitatem & Durationem ejus aliud præter Pactum requiretur, *nempe* Potentia communis à qua singuli sibi metuant, & quæ omnium Actiones ad commune Bonum ordinat. Hobbs de Cive, cap. 5. §. 5.

† And thus from your own Reasoning it appears, that the *State of Nature* must in all Likelihood have been little different from a *State of War*. Ld. Shaft. Charact. Rhaps. Part 2. §. 4.

might have follow'd your two Friends *Plato* and the *Stagyrite* a little further ; for, tho' they differ so widely in their Principle, yet they both come to the same Conclusion, where you might have join'd them namely, that 'tis Nature makes this Division, by that suppos'd Residence of Wisdom and Virtue ; that ætherial Spirit which points out the Leaders and Governors of Mankind ; which Spirit, to the best Idea that I can frame of it, cannot be more rationally tried than by *Gordian's Knot*, or some such wise Ordeal, unless it be left to the Election of Horses and Birds, as the most compleat Judges *.

Tho' *Aristotle* here, as elsewhere usually, would fain seem wiser than the Academic, yet of the two *Plato* will be found more consistent with himself ; for he judiciously saw, that if he would have form'd his Government upon the Ballance of superior Virtue, and make his Philosopher his Prince, he must abolish all private Property and Possession, and introduce the levelling Scheme of an indiscriminate Communion, as a necessary Foundation of such an Hypothesis ; and hence all the Errors and Disgrace of his Philosophy, which so exquisite and precise a Reasoner could not but see, yet adhered to as being consistent. These shameful Consequences *Aristotle* honestly disavows, in some Degree taking into his Foundation Property and private Possession, yet adheres to his Structure of the Philosopher Prince, without any Attention to the Influence of the Power of such Property. So that, altho' the latter professes the most rational Principles, yet the other is the better Reasoner, and both come to the same Conclusion. —But to return : —Let us now suppose some Region or Country, in which the divers Inhabitants, in Proportion to their Attention and Industry, or other Accidents, are possessed of divers Portions of the Lands, Cattle, and Fruits of such Country, and that by the ordinary Course of Property, or any other Means, one Man, or a few, are in Possession of three Parts in four of the Whole : Now, in

* As *Darius* and *Romulus* were chosen. Sic Regnum Persarum (says *Justus*) septem nobisissimorum Virorum Virtute quæsitus, tam levi Momento in unum collatum est.

this Country so circumstanced, let us imagine some abstract Wiseman, that, instead of tilling his Ground, and feeding his Cattle, hath been cultivating the Powers of his Mind, and pursuing the Researches of Wisdom and Truth; in short, that he is, without a Foot of Land, the very Philosopher you would wish: Let us further suppose, that the People of this Country finding, upon the Increase of their Business and Property, that they cannot well go on together without subordinating themselves to Government, nay, that this Philosopher hath taught them all this: Will you now say that this Philosopher, on whom we suppose resident this æthereal Spirit, will you say that he can take the Lead, and be able to support it, by Virtue of this Spirit? And that the great rich one, or the few, will submit themselves and their Property to the Direction and regal Influence of this Philosopher? Or let him take out of their Hands the Lead of the People, the Bulk of whom are really already connected under their actual Influence? If they will not, where is his Authority? And, if they do submit, he is no more than their Servant employed by them, acting at their Will, and under their Authority, when they will, and may change, whenever they please, for the Government is still in their Hands where the actual Influence is. For what is the Administration of Government, but prescribing general Rules and Methods of Intercourse, and fixing one common Canon of the Rights and Actions of a People? When therefore thus Prescribing becomes necessary, those who already have the Power and Influence, will be the Prescribers.

But altho', for Argument's Sake, we suppose with you, that, the Philosopher teaching the Necessity, and Use, and Benefits of Society, these Reasons become the inciting Motive to the People of desiring and seeking Government: Yet, in Fact, "it is not to be supposed that
 " Mankind, at the Beginning of Societies, had any Regard either to
 " the Good or Evil to come.—They did not see these Consequen-
 " ces at the Beginning, and, tho' they had seen them by the Help of an
 " Understanding

“ Understanding free from Passions, it would not have touch'd them
 “ in the least. Mankind are too cold and remiss, when they are
 “ spurr'd on by nothing but Reason: As the Frame of our Constitu-
 “ tion is, 'tis only by Means of Sense that we must be wrought
 “ and work'd on to Action.” And thus, in Fact, it has not been
 Wisdom and Policy, but eventual Incidents in the Actions and Cir-
 cumstances of Mankind that have form'd these Powers of Govern-
 ment, tho', after they have been form'd, Wisdom and Policy may
 have taken the Direction of them: For they have either been found
 in Heads of Families and Clans, where likewise was virtually sup-
 posed the Right of all the Property of such Clan; or where there has
 been no such Clan or Head, Riches increasing, unequal Property pro-
 duced unequal Powers, and Intereommunion of Trust produced Sub-
 ordination; for the less powerful finding they were supported by the
 Riches and Commerce of the Great, and the Great finding themselves
 secure in the Number of their Adherents, from these Circumstances,
 I say, arose the Connexion of these Subordinations, even prior to,
 and independent of all Reasoning about the Matter.

So that considering the Subject, even under the Supposition of
 Wisdom not being in those Persons who have the Property, still Prop-
 erty and it's Influence will always have the Ballance of Power, and
 Authority. But tho', for Argument's Sake, they are supposed sepa-
 rate, yet in Nature and Fact are they more likely to be combin'd. Is
 it not much more probable, more reasonable to think, that those
 who are most concern'd and interested in the Welfare of the Com-
 munity, should have the greatest and most frequent Opportunities of
 being acquainted with it, and thence acquire of course the greatest
 Degree of civil and political Knowledge, and therefore on all Ac-
 counts be the proper Stay and Center of the *Imperium*?

We find *Agamemnon** at the Head of a considerable League of powerful Princes, yet it was neither his Wisdom nor Virtue that was superior, but his naval Power and large Domains that gave him the Lead in this great Armament. In this Manner, and by the same Causes principally, did the Empire of the *Medes* devolve into the Hands of *Dēioces* †, when the Aristocracy of the Plains of *Nysa* elected him to be their King and Governor: Tho', after he was once establish'd in this Empire, his Artifice and Policy perverted the Government into a Tyranny, by the Introduction of a military Force. It were tedious to detail out the many Instances of this that occur in History; but, if in the Course of Reading you should meet with any Examples of such a Forming of an Empire, remember to distinguish, whether such elected Person be at the Head of the Aristocracy, by his own natural Weight in such Aristocracy, or whether it be an Aristocracy or People governing by a King, who has no Weight or Power but as an Agent at the Head of a Party. Instances of all which Cases you may find, during the kingly Government of *Rome*; and of the former a very illustrious one in *Athens*, during the Administration of *Pericles*.

Q. Scæv. I have hitherto attended to your Explanation, how Power follows Property actually, and find you in good earnest maintaining what the Poet said in jest; but they say there's many true Words spoke in jest:

Omnis enim Res

*Virtus, Fama, Decus, DIVINA HUMANAQUE pulchris
Divitiis parent; quas qui construxerit, ille
Clarus erit, fortis, justus; sapiensne? etiam & Rex ‡.*

* ————— Εὐεργείαν Ἀγαπήμενον ————— Hom. Lib. 1.

Δόκιμος ἀγαπητός ἐστιν, πολὺ δὲ πελάγες ἄγη λαύς, Lib. 2. 580.

† Herodot. Lib. 1.

‡ Hor. Lib. 2. Sat. 3,

But

But still I was in Hopes to have heard something of the Right of such Power, otherwise it appears to me as much mere Force or Violence, as if it were cut out with the Sword : I own it would go much against my Nature, and, for what I can see, against the Nature of Reason and Truth, if any Man should assume a Right over me and my Actions, because, being my Neighbour, he had more Acres in his Farm, or more Money in his Pocket, for you have made no Distinction between the one and the other Kind of Property : And therefore it would directly occur to my Inquiry, whence any one can, according to the Principles of Truth and Nature, acquire a Right to take the Direction of the Actions and Interest of another.

L. Graft. I was just looking out the Paper that goes next upon that Inquiry, but observe first, to obviate any such Objections as of you and your Neighbour for the future, that all along must be understood, by the Ballance of Property, the Property as a Part of a Community, as connected with that ; not the Property of an Individual, as such, in his own Right : And, by the Share of Power that inclines to any Part of that Community in Proportion to its Property, must be understood in Proportion to the Application of such to the Business and Interest of the Community ; for, without the Spirit of such Application, the Power of Property is a mere empty Name, and the Man of Property literally a Cypher, that only adds to the Power of those who have the Spirit of such Application. And so far will any one Man be from acquiring any Power, by Virtue of this inanimate Bulk of Property, that a whole Body of People, by neglecting the right Application to this Ballance already in their Favour, may lose their due Weight and Influence in the State. I will mention but one Instance, yet one will be sufficient to obviate the presumptuous Demands of some, who have no Right to demand at all. The Government of *Mantinea* which was constitutionally Aristocratic, had been long perverted, and in the Hands of the People and their Demagogues ;

magogues; now this came about we see from those Methods by which it was restor'd. The *Lacedæmonians* (after they had taken the City by Capitulation, which had revolted from them by this Faction of the People) undertook to reinstate the Constitution and the Aristocracy, not by any Act of Violence or Force, by no other Policy, than by obliging the landed Men to live upon their Estates in the Country; thus putting them upon making the right Application of their true and natural influence. * " This says *Zenophon*, at first they bore hardly, as being " oblig'd to build Country-Seats, whereas they had Palaces already built " in the City: But afterwards feeling their own proper Influence increase " by their living upon their Estates, and finding themselves thus freed " from the grievous Factions of the Demagogues, so that the Govern- " ment return'd to its original Aristocratic Ballance, they thought " themselves very happy in the Change." Here you have a whole Order of a State losing their very constitutional Weight and Power, by neglecting the Ballance in their Favour. Nay of so active a Nature is this political Application of Property, that in a Government founded on a landed Ballance of Property, in some Emergencies and Events, money'd Property hath been found to create itself a temporary Over-ballance to such landed Interest. Thus once it happen'd at *Rome*, which, of all States in the World, excepting the *Spartan*, had the least Connexion with the money'd Interest; upon the *Scipio's* demanding Supplies and Money to support their Success in *Spain*, the public Treasury being exhausted, the Senate came to a Resolution:—
 ‡ *Nisi Fide staret Respublica, Opibus non staturam, prodeundum in Concionem Fulvio Prætori esse, indicandas Populo publicas Necessitates, cobortandosque qui redempturis auxissent Patrimonia, ut Reipublicæ, ex quâ crevissent, ad Tempus commodarent.* — *Ubi ea Dies venit, ad con-*

* Εὖν δὲ οἱ ἔχοντες τὰς υἱας, ἀγέρνητοι μὴ φέννα τὸν γραπτὸν λίθον αἰνεῖν; τοιδε τὰς μάκρας;
 Αμφορευτικὴ ἔχειν, αὐτοδαμαρίου δὲ θεατῶν τὸν Καρίνον Δημοσιεύειν, πλεόν τοις πονηραῖς.

Zenophon, Helleniac. Lib. 5. cap. 2.

‡ *Livius Lib. 23. §. 48. 89.*

ducendum tres Societas aderunt Hominum undeviginti.—Now tho' these Bankers, these Farmers of the public Revenue, demanded Terms very unconstitutional, yet the Government found it necessary to comply with them : *Privatique Pecunia Republica administrata est, nec secus quam si ex opulento Aerario.* And while these Wretches, by these Acquisitions of Power, incroached almost to the usurping the Administration of the Government, took Occasion, from the Distresses of their Country, to pillage and defraud the Government, to oppres and ruin their Fellow-Subjects, and betray their Country. The Senate found themselves incapable of restraining or resenting these Violences and Outrages : * *Patres Ordinem Publicanorum in tali Tempore offensum noblebant.* — But this was but temporary, as it was not founded in the Nature, in the Constitution of the State, but in it's Misfortune, it's casual Distress ; for, as soon as the Emergency that gave this Occasion was remov'd, this Interest was reduced to its own Ally, and the real Ballance of the State restored.

But—here—this Paper repeats what I suggested in the Morning.— The Possessions of the Earth, the Things with which a Man must be cloathed and fed, consist of the Products of the Land cultured and manufactured ; and that these become a Man's, either by his having acquired some Land, or where, by being allow'd to employ his Labour on another's Land, he has a certain Share in the Products of such Land. Now a Man in this State of Communion is to be consider'd as a mix'd civil Person, a Compound of Person and Property : And it being certain that every Man hath a Right originally to the absolute Direction of himself, and all that belongs to him as his Property ; if we here suppose a Second, who, having no Proper-ty, is by the Permission of the First allowed to mix his Labour with the Property of the First, so as that he subsists upon it : The Right of the Power of the First is justly extended to a certain Degree over

* *Livius Lib. 25. §. 3.*

the Second as a mix'd civil Person, so far forth as any Part of that civil Person's Substance may be refer'd to such first Person as his Property : That is, so far as this second Person, in any Part of his mix'd Being, is contain'd in any Part of the natural Interest of the First : When the Actions of this Person are so interconnected with the Interest of the other that he lives by that Connexion, and that Connexion is by the Permission of the First : That First, as he has an undoubted Right to the Direction of his own Interest in its fullest Extent, becomes to have a Right in Part (so far as the Actions of the Second are connected in his Interest) to the Direction of the Actions of that Person ; and therefore, if it be allow'd that Power does *actually* follow Property, I think it is here apparent, that in Truth and the Reason of Things, that is, in *Right* it may. And therefore if there be any Thing in Reason or Nature that may, as a Principle of Individuality, define particular and distinct Governments (which is the Enquiry we must next make) such Governments will be framed, and take their respective Forms, from the Influence of this Power, this Ballance of Property.

You have shown that there is nothing in the old Hypothesis, nor indeed in this Account of the System, as you have explain'd it, that can become a Principle of Individuality to particular and distinct Governments ; and yet 'tis a Consequence that seems to be as natural, as that a Man, who in general stands related to the whole Species, and whole System of which he is a Part, should, as he is an Individual, have some particular Rights that respect only himself, and over which no Dominion can ever by any Right be extended, and which become peculiarly so from this very Individuality. But let us see what we can make out of this Matter, and the rather so, because I don't know any Place to refer myself to, where this Topic hath been consider'd.

I first show'd that there is a one Communion, as a Foundation of Society, and of a Law of Nature ; and if the System was to end in this imperfect Manner, and Man could live in this State, they would

would be all under one common Law, and one Interest; but by the Intervention of Property in the Individual, and it's various Modifications and Combinations, arise other systematical Communities and Interests distinct from one another.

As there is in Nature one general universal Law of Matter, under which all Things of this visible System exist, by which all the Powers of every Existence are regulated and govern'd; by which all Things, in Respect of their general Properties and Relations, as they partake of the common Matter, may be said to be one general universal System of a one Whole: So from the peculiar Properties and Powers included in the Individuality of each distinct Existence, and the limited Extent of its Relations as such, arises the particular defin'd System: Which such System is so model'd in its Frame, and limited in its Extent, by the peculiar and particular Scite of a Number of Individuals in Respect to one another, that there arises from the whole Composite of the limited Powers of it's Constituents a one Principle common to such Number, which becomes to this Number, as a System, a one distinct Principle of Individuality.

All the Matter of this Universe is under one common Law of Attraction and Motion; yet from the peculiar Modifications of Attraction and Motion arising from the individual and particular Properties of each distinct limited Being, and the peculiar Scite and Proportions they have in Respect of one another, are form'd those cosmical Systems, such as this particular solar System, in which our Earth is found to be a Part. Now, in that the several Parts of this System, from their Scite and Proportion of Distance and Quantity of Matter, refer to one Center amongst themselves, which is common to all, they are all of one System; and, in that their Powers are limited to a certain Distance and Quantity of Matter, this common Principle extends no further than these can thus act upon one another. So that all those Bodies that relate to, and move round this common Center, are of this System, and so far it extends, and no further. And, as a

System, it hath thus a Principle of Individuality, compleat and perfect within itself, and proportionate to it's limited Existence. It is as much cut off from all Relation (in Respect of the Right and Sufficiency of its Existence) to the Whole, or any other particular System under the Whole, as if no such System did ever exist: But yet, were it not for that one general Law as a Foundation, this System would become a mere Castle in the Air, and Thing that could not exist. If therefore, notwithstanding this common Principle that extends to, and pervades the very Form and Essence of all and every Being, a Number of such Individuals can be form'd into a distinct System, and acquire by such a distinct Principle of Individuality, I don't see how any Difficulties can arise, or where the Difference is, why, in the moral System, a Number of Individuals, peculiarly placed and circumstanced, cannot form a distinct Community upon this common Communion as a Foundation, and in like Manner acquire a Principle of Individuality.

Therefore as in the moral System we have seen, from that general common Concatenation, and Inter-relations of all Beings, and from Man's Existence, by his general Properties, as a Man, being connected with these, that there is a one common State of Communion of which that is Part: So likewise doth it appear from the Principles of his Individuality, and the Extent of his limited Powers, that there arise distinct Communities upon the Foundation of this common one. The first View shows, that Men are thus connected in a System, and becomes a Foundation of the Second, which shows that this System may be, and is naturally limited, and becomes to it, so limited, a Principle of Individuality. Thus, then, a Number of Men, by living together on any peculiar Scite in this Communion, are connected and refer'd amongst themselves to one common End, the Support of their Existence, as it arises out of this Situation; which End we may call the moral Center of this System. Now to whomsoever, in the common Communion, the Influence of this Center extends,

tends, they are naturally and necessarily connected under this System. Thus far it doth naturally extend, and no further.

From the very Manner of forming this moral Center, and from the limited Powers of the Constituents that conspire in it, it must naturally be limited and finite; which Limitation will be in Proportion to the Product of the composite Powers of the Constituents, answering to the Whole of the Necessities of all the Constituents to whom the Influence of such Center doth extend: And the Communion reciprocally extending so far as to be proportionate to these composite Powers.

Man requires an Extent of Communion and Interest for his Existence, which his own Powers and Capacities are not able to extend to, and fill up; that is, his Necessities require the working and culturing many different and various Branches of the Community, that, altho' the Quantity of the Product of his Labour may be equal to the Quantity of Necessaries sufficient to his Subsistence, yet by the Locality of his Powers, and their being capable of taking only one Direction, the Quality of such Product cannot extend to the several Branches of Food, Raiment, and other Requisites to his Existence. But he is so constituted by Nature, that the Product of his Labour on this one Branch contains at least, if it be suppos'd equally divided, as many more Portions of Subsistence than his Being requires from this Branch, as are equal to the Number of various Branches required, which he cannot extend to. So that while one Individual stands related to this Branch and labours in it, another to a Second and labours in that, and then a Third, and so on, a certain Portion of the univerſal Communion, which in its Extent is no more than necessary to the Subsistence of one Man, is, when cultur'd, in its various Branches, by the various and different Powers of divers many Constituents, equal and sufficient, in the whole composite Produce, to the Subsistence of such a certain Number of divers Constituents as are proportionate in their Powers to the Culture of all its Branches. And

such a Portion of the universal general Communion, where the Labour of each particular Constituent contains in that Branch of Communion, which he is respectively employ'd upon, as many Portions morethan are sufficient to his Subsistence upon that Branch, as there are different Branches required, and different Constituents labouring upon each ; and where the particular Portion has extended to such Branches of Intercourse, and such a Number of Labourers in each, as are necessary to that peculiar Mode of Existence under which they live, such a Portion, I say, we may call a Community.

And when once a Communion is extended to as many Branches of Subsistence as are necessary to Human Life, under that particular Mode of Existence, where such Communion is found; and to as many constituent Labourers in each as are proportionate to the Filling up and Culture of that Communion in all it's Branches, so that the Culture of the Whole, and the Application of it's whole Produce, is proportionate at least to the Necessities and Conveniencies of the Life, as of the whole Community, so of every Individual Constituent contained within it ; such Community becomes a one organized Being, and has in itself a Principle of Individuality. And therefore for the same Reason that any one Man, if he be a prior Occupant, may, by mixing his Labour with any Portion of Property, appropriate that to his own Use, and hold himself and that Property distinct from the universal Communion, as far as respects the Rights of his own Individuality ; so far for the same Reason, and in the same Manner, may this Community thus become an Individual, hold itself and it's Property distinct from the general Communion, as far as respects the Rights which every Individual may possess in it's own private Person.

And thus, for any Right or Claim the rest of the World may have on this Community, it may justly and truly, and does naturally, subsist by a distinct Principle of Individuality.

But observe once for all, that as the Laws which respect the private Right of the Individual are actually distinct from the universal

Law.

Law that respects the Coexistence of the Whole, are distinct, I say, yet consistent: We in like Manner would not have it here understood, that any private Community is so meant to be consider'd distinct, as to become inconsistent with the universal Communion of Nature and Man in general. We say it appears from these Principles, that this distinct Communion, which we may now call civil, cannot on one Hand be established on such Principles of Selfishness, as are inconsistent with the universal Communion of Nature, the Law of general Benevolence and Reason, for we have seen that it must take that as it's Foundation: That is, it cannot circumscribe it's Powers and Interest so within itself, as to withdraw itself from this Law on one Hand; nor on the other can it extend it's Claim of Communion so far over the Powers of the Individual, as to break the Laws and infringe the Right of his Individuality; that is, as it is circumscribed by the Obligations of the universal Communion of Nature in general, so is it's Extent limited by the Rights of Man, as an Individual.

Q. Scarr. But still I don't see how this marks out any Way of defining where the Community shall end; for it may in this Manner extend to every Individual of the whole Race of Man. All that I find in your Explanation is, that a certain Portion of the universal Communion will, by the different and limited Powers of a Number of Men living together upon it, be divided into a certain Number of Shares, and consequently the Number of Possessors becomes defined; but what if I add another Share to his Portion, I may add another Possessor, and so another, and another, 'till it extends to all.

L. Crass. Nay, you might have found in my Explanation, that a Community is not a mere Number of Identicals, nor are the Constituents mere numerical Individuals, that may be multiplied at Pleasure, or even, being thus multiplied, would increase the Extent and Power.

Power of the Community in the same Proportion. No, * they are Parts and Members of an organiz'd Body, which are, by the Nature of that Organization, defined and limited in Proportion and Relation to each other, both in their Powers and their Number. And, when such a Body is come to it's compleat natural Form and Magnitude in all it's Power and Parts, the Addition afterwards, by a Number of any individual Parts, would not add any Thing to the Nature and Powers of such Body, but Deformity and Incumbrance, and therefore could not, by any Right or Law of Nature, and the Nature of that Body, belong to it: But would produce, as is ever the Case where the Laws of Nature are deviated from or perverted, some horrible unweildy helpless Monster. Never would the hundred Hands of a *Briareus* or *Gyges* produce that Strength, that would be found in the true athletic Proportion of an *Hercules*: Nor would the hundred Eyes of *Argus* ever make a *Lynceus*: And, tho' it be said that two Heads are better than one, yet one natural one is worth all the three of a *Geryones*.

But we will here distinguish, what your Objection is founded upon in the confused Grofs, namely, that this Separation of a distinct Community may be objected to, either from the Right the rest of the World has to prevent such Separation, or from the Right that this Community has to extend it's Influence to as many Individuals as it shall please. Now as we have, in the first Part of this Proposition, seen, from the Right of private Possession being distinctly applicable and limitable to the private Necessities and Powers of the Individual, and from the Individuality of this Community such private Possession, being there in the same Manner applicable: That there is no Right or Claim, that the World has upon this Community, which can prevent it's thus holding itself a distinct Body: It will likewise appear in the second Part, that this Communion cannot extend it's Influence

* οὐντες γάρ τοι ταῦτα διαφέρουσαν αὐτοῖς παραπομόδως αἰσθάνονται, ἵνα μήπερ συμφεύγεια — οὐντες πλέον σύγχυτον διαμερίζονται. Arist. de Repub. Lib. 5. Cap. 3.

to any Number of Individuals it shall please, and therefore has in itself no Right why it should not be thus limited, but, on the contrary, is actually thus defined by the Nature of it's own Existence.

For, as * " Nature has well set the Measures of Property by the Extent of Man's Labour and the Conveniences of Life", so likewise hath she in the same Manner set the Boundaries to the Influence of a Community, as one Body, by the Limitation of the Powers of that Body, and the Support and Conveniences of it's Existence, as a Community. Now the Powers of any organiz'd Body cannot be infinite and universal, nor would become such, even if it could super-add an Infinitude of identical Individuals to its Body: It's Power is systematical, not numeral, and therefore determin'd and defined by the Nature of that System; and therefore you see, when it is once suppos'd compleatly organiz'd, and full in all it's Parts, it hath no Right in Nature or Reason to extend it's Influence, so as to add one single Individual more. Thus therefore, in the abstract Reason of Things and Right, there are such Beings as distinct Communities, arising from and founded upon the common general Communion of the whole Universe: That every Community hath hence a Right to institute itself into a lawful Government. And we find that Nature hath, in Fact, portion'd out many such Communities, and that, upon these natural distinct Interests, † the People of the Earth have form'd

themselves into several States, Societies, and Commonwealths, each having their proper Government, according to their respective natural Interests.

* *Laws on Government, Book 2. §. 36.*

† If a Man considers the Face of Italy in general, one would think Nature had laid it out into such a Variety of States and Governments as one finds in it. For as the *Alps*, at one End, and the long Range of *Appennines*, that passes thro' the Body of it, branch out on all Sides into several Divisions; they serve as so many natural Boundaries and Fortifications to the little Territories that lie among them. Accordingly we find the whole Country cut into a Multitude of particular Kingdoms and Commonwealths, in the oldeſt Accounts we have of it, 'till the Power of the *Romans*, like a Torrent that overflows its Banks, bore down all before it, and spread itſelf into the remoſte Corners of the Nation. But, as that exorbitant Power became unable to ſupport itſelf, we find the Government of Italy again broken into ſuch a Variety of Subdiviſions as naturally

themselves into various Communities and Governments. The particular Produce or Scite of any Country is enough to do this: Nay, in the same Country the maritime Regions, as conversant in naval Affairs, and by that Means in Possession of an Extent of Communion equal to the Powers and Necessities of such a Community, have gain'd thence a distinct Interest, and have been accordingly often form'd into separate Governments from the inland Powers, and have been able to support themselves there. Thus the *Phœnicians*, on the maritime Places of many Dominions, form'd naturally themselves into distinct Governments, and could never be undone by all the Powers of the Empires, 'till those who were equally skill'd in maritime Affairs attacked them, and then the Interest was not destroy'd but transferr'd to other Hands. In the same Manner the *Ionians*, on the Coasts of *Asia minor*, with-held the Power of *Perſia* from stretching out it's Hands, even to its own Coasts; and, even amidst all the Devastation of War, and Treachery of Politics, preserv'd themselves and their Liberty for many Ages; 'till the Interest was again transferr'd, * as it was often, and thro' many Hands, by new Channels of Trade being open'd, or new Inventions in naval Affairs, that transferr'd the Dominion of the Sea into such Hands as were possess'd of these Powers. Observe here of the *Phœnicians*, what will hold true of the trading Powers in general, that, where-ever they settled on a Continent, they preserv'd themselves distinct, because there the maritime and land Interests are not interwoven, but, where they settled on Islands or Peninslands, they in Time became interwoven amongst the People, because in such Scites the Land and Maritime are interwoven. Thus *Portugal* of our Days is naturally a distinct Interest from *Spain*,

naturally suits with its Situation.—*Addison's Travels*. I could not but transcribe this in the Margin, as it shows, that there is Ground in the Fact for this Observation, tho' the Observation is founded on Principles very different from those I pursue.

* See *Isaac Casaub.* Annot. in *Chronic Egyp.* apud *Polyb.* de *Imp. Maris.*

and,

and, in the Course of Time, the Vigor of it's Principles hath establish'd it into a distinct Government. Thus too the *United Provinces*, that are a distinct Interest, have likewise form'd themselves into a distinct Government. On the contrary, where there have been many Governments founded upon one Interest, they have all as naturally run into one Government. What other Reason can be given, why *Castile*, *Navarre*, and other Kingdoms should be swallow'd up by the Powers of the Greater, while *Portugal*, at that Time not more powerful, hath preserv'd itself? On the Continent there are numberless Examples, but particularly with us at Home; *England*, * where the Inland and Maritime are intimately connected and interwove, is the Subject of one common Interest; and, tho' there were at first divers Governments upon this one Interest, yet must they in Course of Time, as in Fact they have, all devolve into that one of *Great Britain*.

But then it must be here observ'd, that these Interests of a Country are such only relative to the Wants and Consumption of the Inhabitants of that Country, together with the Application of their Powers to such Interest. A Country may be naturally portion'd out into many distinct Interests, would the People be content to live within the Produce of such: Yet likewise it is capable of one general Interest, when the Application of the Powers and the Wants and Consumption of its Inhabitants extend throughout the whole Territory. On the other Hand, it may be capable of several distinct Interests, but not be divided into these Interests, 'till the Industry of its Inhabitants shall cultivate that particular Property, which renders it capable of such a distinct Interest. Thus the *Olyntbi*, at the Time of the *Peloponnesian War*, seeing what Use other People made of the Produce,

* Τὸς δὲ τὴν μεσόγαιαν μᾶλλον καὶ μᾶ ἐπὶ πόρῳ καταστρέψεις εἰδίκη χρή, ὅτι, ταῦς κάτιν οὐ μᾶ σύμπαν, κατεστρέψεις οὖν τὰς κομιδὰς τῆς αἰγαίου, καὶ ταῦς σιτίσαντες οἱ θειάρχαι τῷ πόρῳ δίδωσι.

Thucyd. Lib. I. §. 120.

and advantageous Situation, of their Country, feeling (as it were) their natural Strength, began to find their natural Interest, and, by Application to it, were forming themselves into a separate and independent Government; and as *Cleigenes* of *Acanthus*, who first gave Notice of this to the *Lacedæmonians*, says: * ‘What can hinder or forbid that they should, for they have within themselves Ship Wood in great Plenty, many commodious Ports and Havens, whence by Trade they will and do raise large Revenues, and are fully peopled, from the Fruitfulness and great Plenty of Stock in the Country?’ Thus too it was the Application of Trade and Commerce by the *Hollanders* to the maritime Scite of the *United Provinces*, that render’d them a distinct People. The Discovery of *Portuguese Asia* was not the least Help that animated and gave Activity to the Powers of *Portugal*. On the other Hand, as where Governments, in their Nature, are founded on the narrow Basis of Self-preservation and domestic Liberty, and, in their Constitution, are unfit for enlarg’d Dominions. The Increase of Trade and Wealth, as in *Sparta* of Old, and *Genoa* in these Days, by increasing the Ballance of Money above the Ballance of Land, inter-weaving them into the Interest of the Continent, would thus politically destroy their Independency; tho’ they might by Nature have remain’d a distinct Interest and independent. Thus too *Venice*, which is a distinct Interest naturally, had well nigh politically perished. Hence likewise may be resolv’d a Difficulty, which at first Sight seems an Objection to, but, rightly understood, is a Confirmation of this Doctrine. We read that in the more early Ages of the World, and in the first Peopling any Country, that that Country was mostly divided into many little Kingdoms and Governments, and that always in the Course of Time these run into one. And on the contrary, in maritime Places, and such Situations as were any how ca-

* Τί γάρ οὐαίδει, ὅτε δύνα παραστηθῆναι in αὐτῇ τῇ γῆς in. κρηπάτων δὲ περιόδοι in τοῖς λαῖς μὲν τυχεῖσι, in τοῖς δὲ ιπεροῖσι, τελευτεῖσι γε μὲν διὰ τῆς τελευτίας οὐαίγειν. Zenoph. Hellenic. L. 5. c. 2. §. 22.

pable of receiving the Application of any particular Culture or Manufacture, tho' the Inhabitants were at first all under one Interest and Empire, upon such Application they always divided again into many several Powers and Empires. Now what can be found to determine precisely, which of these different States of the People are founded on the natural Interest of the Country? Whether it be of one Interest, or divided into many? And why the original State of this Country, when it was divided into many free Goyernments, was not as natural as when it came under the Dominion of one? It was, I say, equally as natural, because, in the more early and simple Life of the World, the Wants and Consumption, and therefore the Communion, of no State could extend so far, as Luxury and Vanity afterwards extended it. At the first any Region that had enough of Tillage and enough of Pasturage, with a Command of Water, was a distinct Interest to that People that inhabited it: And hence, in the infant Ages of Government, their Differences and Wars were merely for Elbow-Room or Water. But when Luxury, and a more extensive Relish of Life, began to extend their Wants, then must their Communion and Intercourse be extended, and the State establish'd on a larger Interest; and so inversely on the other Supposition. Thus still we see it is these Interests that form Men into Communities, and that this Communion is the creating Cause of Government.

It being thus then, that by the Influence of Property arises Dominion; and by the Intervention of such private Property, that particular Communities acquire a distinct Principle of Individuality; we are next to see what Influence this has in the Form or Frame of such Communities; how with the Constituents, the various Connexions and Dependencies of the second Kind of Persons upon the First, the Possessors of the Property; and how the various Connexions of these Possessors, in Proportion to their Interest amongst one another, and their respective greater or lesser Interest over the second Kind of Persons; how these Connexions and Dependencies create this or that Form

of Empire or Dominion. But as such kind of Propositions or abstract Truths comprehend almost numberless Cases, and are capable of as many Explanations, I will endeavour to fix one general Theorem to which they may be all referred.

I suppose we shall be agreed, let us found Government on what Principles soever, that it is that actuating Power by which a People is directed in its Actions upon those Objects which it stands related to as a Community, that is, in regard to its Interest as a Community. Now this Interest of the Community we have found to be the whole Communion of all the Powers and Capacities of the several individual Constituents, conspiring by a Consociation of such Powers into one organized Whole. Which, as it hath to itself a distinct Principle of Individuality, hath likewise an Interest of this Individuality distinct from that of the particular Constituents, considered as separate and independent : And which, as it subsists by a Kind of Organization from the conspiring Powers of the united Constituents, would be destroyed by any selfish, partial, or unequal Direction of those Powers in the Individual. That is, those Relations under which this common Interest exists, and by which it subsists, are different from, and inconsistent with those, by which the Interest of the Individual exists, respecting only its partial Individuality. Now as the Whole of those Relations of Things under which any Being exists, is called its Nature ; so that Power in Man, which perceives those Relations, is called Reason. And, as you see there are Relations consistent or inconsistent with the true Nature, so there is a right Reason and a wrong. And as those Actions which regard the true Whole of the Nature of that Being they are exerted upon, are the Actions of right Reason ; so those which regard only some partial selfish Portion, unequal to, and inconsistent with the Whole, and disproportionate to the true Nature of that Whole (however, in regard to that Portion, they are at that Time right,) may be called Affection, and, in Contradistinction to Reason, Will. As in Man that uniform Tenor of the reasoning,

reasoning Power, that at all Times extends to the Whole of his Nature, is called right Reason; so those partial and unequal Sallies of it, which by Fits and Starts confine its View to any selfish Portion of this Nature, are called Affection and Will. Hence the common Interest, as above described, could neither be formed nor administered by Will, because Will, by the very Nature of it, is unequal to itself, unequal and dispropionate to the Whole of the Nature of this Interest, and many Times, as shall happen, absolutely inconsistent with it. The right Interest of the whole Community, as above described, can never be limited to the Reason of any partial actuating Power of such Community, because the Reason of such, however right it may be, in respect of it's partial Individuality, is, in regard to the Reason which should guide the Whole, what Will or Affection is, in regard to Man's right Reason. The Reason then of *that* actuating Power only, whose Interest extends to and circumscribes the Interest of the Whole, can be the right Reason of the Whole. Where then the Ballance of Property or this Interest is, there will be the right Reason of the Whole; and, where this Interest is, there will be the Power, not an absolute irresistible Power, but a Power to controul the Will of the Whole, because by its Connexion with this Interest it subsists by it, and because, tho' Will may not in every particular Instance see this it's right Interest, yet the reasoning Part has such Influence, by Means of all the inciting Objects, that can affect Will, being in it's Hands, that it does in every Instance lead it. Having therefore shewn that the Power, Reason, and Will of the whole Community are naturally connected, and connected under the Interest of the Whole, and reside where is found the Ballance of the Property in the Community; which Ballance is determined by the Scites and Circumstances of a Country and it's People: We will venture to say, in the Words of Mr. Harrington, that * " all Government is Interest,

* Harrington's System of Polit. Chap. 2. Aphorism 10. & cetera. All signs of null below.

" tereit, and the predominant [Interest] gives the Matter or Foundation of Government. If one Man's be the Whole, or two Parts in three of the whole Land or Territory, the Interest of one Man is the predominant Interest.

" It a few Men have the Whole, or two Parts in three of the whole Land or Territory, the Interest of the Few, or of the Nobility, is the predominant Interest, and, were there any such Thing in Nature, would cause a pure Aristocracy.

" If being so that pure Aristocracy, or the Nobility having the Whole, or two Parts in three of the whole Land or Territory, without a Moderator or Prince to ballance them, is a State of War, in which every one, as he grows eminent or potent, aspires to Monarchy: And that not any Nobility can have Peace, or can reign, without having such a Moderator or Prince, as on one Side they may ballance and hold in from being absolute, and on the other Side may ballance or hold them and their Factions from flying out into Arms: It follows that, if a few Men have the Whole, or two Parts in three of the whole Land or Territory, the Interest of the Nobility, being the predominant, must of Necessity produce regulated Monarchy.

" If the Many or the People have the Whole, or two Parts in Three of the whole Land or Territory, the Interest of the Many, the People, is the predominant Interest, and causes Democracy."

But we will not rest satisfied with this:—However the Theory may hold good in Terms, and howsoever those Terms may accord within themselves. The bare abstract Type of Truth is not sufficient Proof in these practical Sciences: Let us look out to the Things themselves, not for Circumstances that seem to favour it, and mutually require such an Hypothesis to solve their Workings; not making this the Standard, and then applying to it such ambiguous Appearances as would suit to any Rule (which, to the Opprobrium of Mathematic Reasoning,

Reasoning, hath been too much the Method of the Geometric Theorist). But let us only then regard it, while we find it Hand in Hand with Fact, so closely wedded to real and practical Truth, that it exists but in that Conjunction ; and, when it would take one Step further than that is able to go, let us no more regard it ; away with it to the vagrant Company of those visionary *Exuviae of the Epicurean*,

*Quæ quasi Membrane summo de Corpore Rerum
Decerpæ volitant ulro citroque per Auras.*

There may be many a System, like the perpetual Motion, that shall boast every Requisite of Truth in Theory, and have such flattering Appearances in Fact, that we may set it a going ; but if we are satisfied with this first Success, and call in our Friends to see this long-wish'd for Effect, we shall ever, to our Disgrace, find, that some latent fundamental Error hath put it to a Stand. If therefore this Theory be true, it should not only be able to account for here and there a loose detach'd Fact, but be found at all Times, and in all Events, so intimately interwove with the Facts themselves, that the Event is in Part an Effect of this as a Cause. And indeed it hath always been found so to operate, by the Men best able to see its Operations, the Legislators and Founders of Governments. And accordingly, whenever they have found it Policy, or thought it proper, to support or frame any particular Form of Government, they have ever had especial Care to the throwing this Foundation into such Modes and Portions, as shall be productive in Practice of such a Form. And whenever they have found a People in Confusion, from their acting after one Form of Policy, while the Ballance that has shifted requires another Form, they have ever been successful in restoring Peace, by putting the People into that Frame that such a Foundation requires, and will act with. For, as Aristotle says, " there are two Things to be regarded in Policy : First, whether such Po-

" lities

cities be originally right in Nature, and then whether they contain any Thing in their Foundation incongruous to their Constitution.* But one Thing more; before I quote any Examples, I must observe from Mr. *Harrington*, that those Examples may not be misinterpreted; namely, that + an Aristocracy or State of Nobility, to exclude the People, govern by a King; and, to exclude a King, must govern by the People: Nor is there, without a Senate or Mixture of Aristocracy, any popular Government. Whence, tho', for Discourse Sake, Politicians speak of pure Aristocracy and pure Democracy, there is no such Thing as either of these in Nature, Art, or Example.

But to proceed — We find that *Joseph*. (the most ancient scientific Lawgiver that the History of Man knows, and Founder of the wisest Polity that perhaps ever was) we find I say, that, in his establishing the *Egyptian Monarchy*, he contrived to throw two Parts in three of the whole Land or Territory into the Hands of the Monarch, that the Ballance of Power might be where the Government was. I say two Parts in three, because he bought all the Land, except that which belonged to the Church, + which was one Third. And to secure the Government, by securing this Ballance from recoiling, " he removed the People to Cities, from one End of the Borders of Egypt, even to the other End thereof §; " that so he might erase out of their Hearts the very Memory of their House and Home. And accordingly this Ballance, and this Monarchy, continued uninterrupted and uncorrupted for more Ages than any other, before or since.

On the contrary we see that *Moses*, whose Order was to establish a Commonwealth, does accordingly institute an equal Distribution of

* Arift. Lib. 2. cap. 9. 1 and omni clero' eis grecisq' qd' egypti ymion

+ The Art of Lawgiving. B. 1. c. 4. dñw tñ illw lñc pñsper nñtibñq'

¶ Diodorus Sicul. Lib. 2.

§ Genesis, Chap. xvii. v. 21. yvilo' tñ bñhñgor ed os regnif' owt' sñm.

the

the Land of *Canaan* amongst the People, making the Number of Lots equal to the Number of Freemen. “ To these the Land shall be divided for an Inheritance, according to the Number of Names. “ To the many thou shalt give the more Inheritance, and to the fewer thou shalt give the less Inheritance ” *.

Upon the same Principles, to the same Purposes, shall we find the Government of *Crete* founded, whether *Rinos*, or some more ancient King of the Isles, was their Founder ; we find the Country divided into many equal Shares or Fees, which could not be alienated in Part so as to become otherwise divided ; nor could any two of them be consolidated into one, by any Accumulation whatever.

In like Manner and from this Model did *Lycurgus* form the *Spartan* Government, by dividing their Territory into many equal Shares, that there might be a Ballance of Property suitable to the equal Powers of a Republic †, and that he might take away all Occasion of Insolence, Envy, and Contumely, and all Luxury, and those yet more rooted and noxious Maladies of Government, the Inequality of Riches and Poverty. He prevailed with the Possessors to give all their Property in to the Community, and receive it again under a more even equitable Distribution, that they might live upon even and equal Terms with one another, as common equal Constituents of the Public Community, whose Interest was in common. And so absolutely necessary did he see this Foundation to be to the very Being of the Republic, that he guarded its Continuance, by all Ways and Means that he could devise, wherever he suspected it liable to be corrupted. And by some indeed such Means, so discongruous to Human Nature, that, in the most abject Degree of Slavery, it would scarce bear with, and which indeed incroach further upon the Right

* *Numbers, Chap. xxvi. v. 55.*

— † “ Τέρις καὶ φθίνεις καὶ παπούργιας καὶ τρύφης καὶ τὰ τέτων ἐπι σφράγισταις καὶ μέρη ποτίσταις πλούτους καὶ ποικίλας εἰδώλων, καὶ δῆμος μὲν αὐλήσις ἀπαλλαγὴς καὶ ισονομίας τοῦ βίου γενικότερος.

Plutarch. in *Vita Lycurgi.*

of the Individual, than any Government can have any Right to do. Yet such unnatural Policy always becomes necessary, where Polity is constrain'd beyond the Garb of Nature. Still Nature will recoil, and such forced Schemes become impracticable ; for, in spite of all Pre-caution, Property, like the heavy Bearing of the Sea, will work itself some Breach thro' this artificial Back, and with it's Deluge bear down all before it, 'till it find it's own natural Level. And accordingly we find this Constitution thus perverted, whether by the Force of Nature, or the Fault of the Legislator, or both, I know not.

* *Aristotle*, who loves to triumph over the Faults of others, says, that, by a Fault in the very Foundation of the Government, it was thus liable to be corrupted : For tho' the Legislator had equally di-vided the Property, and provided for the keeping and preserving these Shares intire and separate, by forbidding that any Fee should be alienable by Sale or Purchase ; yet, as the Landholders were capable of making or receiving a Devise, the same Effect took Place. And thus it came about, that some were in Possession of ample and affluent Fortunes, while others were in very indigent and narrow Streights. But it more especially appears by this, that † whereas the Whole of the Fees was capable of supporting a Muster of fifteen Hundred Horse, and thirty Thousand Foot ; there were scarce a Thousand Landholders, into so few Hands had the accumulated Property con-verged. And in like Manner we read in *Zenophon*, " If any one now " should ask me, whether the Laws of *Lycurgus* seem likely at this " Time to remain firm and uncorrupted, I dare not affirm any such " Thing ;" and he then proceeds thro' the whole Chapter to give these Reasons ‡——for as already the People have destroyed that Ballance, upon which they were founded, by introducing Riches and

* *De Repub. Lib. 2. c. 9.*

† — Διαμεριστης της χωρας χιλίους ιωνας; τριφετινης και πεντεκοσίων και δεκάτας τρισιγενέως, ουδὲ χιλίοι τὸ αποβαθρον γέγονε δια τὴν ἱερανην αὐτῶν δῆλος ὅτι φαύλως αὐτοῖς εἶχε τὰ περὶ τὸν τάξιν ταυτα.

Arist. Lib. de Repub. Lib. 2. cap. 9.

‡ Εἰ δὲ τις μὲν ἔροιτο, εἴ διτις καὶ τὸν μονὸν δοκεῖσιν οἱ Δόκιμοι Νόμοι αἰκίστοι διαμένειν, τότο μαζὶ Δία οὐκ εἰς ἑραστίνες εἰσερχεται. Οίδα γαρ τερτίους μὲν Λακεδαιμονίους αἰρουμένους εἰκονα τὰ μέτρα ἰχνούς αλλάλους συνῆς μᾶλλον—&c.— *Zenop. Lacedemoniorum Politia. Cap. 14.*

unequal Property, they have already corrupted the Constitution. Partakers of the same Fate, thro' the same Effects, were the other two Sister Governments of *Crete* and *Carthage*; and in the End, likewise, was the Republic of *Israel* thus corrupted: When in the latter Days the Divinity of their Policy was withdrawn, and they left to administer their State by the Human. But what was a Fault in the Foundation of those Governments of Human Institution, seems by the Divine Legislator to have been mixed purposely in this, as a natural Means of Corruption to bring it to its End, when it should be stripped of its Divine Support, and when its appointed Hour, the Fulness of Time, should come.

Built precisely on the same Foundation, and of similar Structure, as partaking of the same common Principles of Nature, were those ancient Governments of Northern *Europe*, best known by the Name of *German*, or *Gomerian*; I have said, as partaking of the same Principles, but I am rather inclin'd to think these the Prototype of this Policy, and of this Nature of Government, and that those of *Greece* have all arose out of this System: Of which ancient Governments the Memory, and almost Name, is lost, except what imperfect Hints are able to be collected from those who have been curious to search out the broken *Vestigia* and Ruins of so noble a Structure; which Remains we will the rather endeavour to explain, because, as in them we may see the first Essays of this Policy, at the same Time that we see the first rude Traces of infant Government, we may the more distinctly observe the Connexion and Influence they have ever had on one another respectively, how the Origin of the one has been the Creating of the other; and how every Proces's in the former has been constantly attended with some correspondent Refinement and Revolution in the latter; and as perhaps it may, in some Measure, illustrate the History of those Institutions which did originally give Rise to all the present Governments of *Europe*.

Now that *Japhet* was extended and had peopled what is called *the Isles of the Gentiles*, is beyond all Doubt: And that, by these *Isles*

of the Gentiles, is understood the maritime Parts of the Mediterranean, comprehending *Greece*, *Italy*, and all *Europe*, is universally agreed; and that all these Parts, by the Intercourse of Commerce, becoming as it were linked into one Interest, became, in the Time of *Jupiter*, the Basis of one great Kingdom, might be prov'd (were it a Point in the present Case) to all reasonable Satisfaction.

* *Manis*, or *Man*, was the first that we know of, who began to extend an Empire over these Dominions, and which first took its Rise in *Pbrygia*, in the Reign of whose Grandson *Uranus*, the whole Kingdom being in Rebellion and Confusion, and all his Family in Faction, + *Uranus's* Son, *Saturn*, or *Cronos* (called originally *Ilos*, after his Grandfather *Eliona*) working himself into the Lead of the military Party, and joining with his Mother *Ge*, drove his Father out of his Kingdom, and succeeded in the Imperial Power or Office: And seeing that the People were no longer capable of being govern'd by the Patriarchal Kind of Government, which they had been under hitherto, he framed them into a regular Empire, and + was the first that took upon himself the Forms and Power of a King.

He began this Work by the Assistance of his Mother (§ after whom the Kingdom was denominated, according to her *Celtic* Name,

* Celebrant Carminibus antiquis Tuistonem Deum Terra editum, & Filium Mannum Originem Gentis Conditoresque. *Tacit. German.*

Φερίγης δὲ μέχρι τῆς λαμπτερᾶς καὶ θαυμαστᾶς τῆς ἱρύου Μάνης παῖδες, διὰ τὸ Μανί την τῶν πάλαις Βαρδίνην ἀριστερὰς καὶ δυτικὰς γενιούδας παῖς αὐτοῦς. *Plutarch. de Ifide & Ofiri*, §. 24.

+ *Sancboniath.*

† Pherecydes apud *Tertullianum de Corona*. Cap. 17. *Sancboniath.*

§ ————— εἰ διὰ τὸ καίκωθεν αἵτινες ικαλίσσονται ὅμιλοις Γῆ. *Sancboniath.* —————
In the same Manner as at this Time the Empire took it's Name from *Ge*, in the same Manner afterwards it was called *Europe*, or something synonymous to that, after the favourite Mistress that *Jupiter* stole from *Pbrenicia*. That the Name of any Mistress of any little petty King of *Crete* should be derived upon so large a Quarter of the World, that had no Connexion with this Corner, or whose Parts had no Connexion with each other, is palpably absurd: But that the favourite Mistress of a great Monarch ruling over all this Tract of Country should give her Name to it, there is Example in History, and in the History of this very Kingdom.

Hertba) and the Council of his Secretary * *Taaut*. His first Step was to destroy all † Distinction of Property as held by private Possessors, ‡ making the Whole become the Property of the congregate Whole of the People, become now a one Community, and every Possessor only a Tenant holding under that Community by the Year. And accordingly he divided the Whole into Shares or Lots, and || distributed them to the several Families or Clans, according to the Number of Landholders in such Clan ; the reserv'd Rents of which were the Revenue of the whole Community, to supply the Services and Necessities of the State, and the Appointments of the Crown and Magistracy. And to a Government in such Circumstances, which made it necessary, almost every Age, to discharge its Overburthen of People by great Colonies, no Policy could be better adapted ; for, while they were forced to change their House and Home yearly, there could be none of that habitual Love of Home, which, considering such Migrations as very grievous and like Banishment, might obstruct this necessary Measure : § And this Reason themselves gave of this Establishment. Another Reason which they likewise give of this Policy is this, that the Property was designedly so equally divided, and in common distributed , * as a natural Foundation of a De-

* Ὁρ Αἰγύπτιος μήτ Θεός, Ἀλεξανδρεῖς δὲ Θεός, Ἑλληνος Ἐγυπτίων. *Sancboniatk.*

† Sub illo nihil erat cuiusquam privatum — nec signare Solum aut partiri Limite Campum Fas erat, in Medium quærebant. — *Microbii Saturn. Lib. 1. cap. 8.*

‡ Nec quisquam agri Modum certum aut Fines proprios habet, sed Magistratus & Principes in Annos singulos Gentibus Cognitionibusque Hominum qui unā coeunt, quantum & quo Loco visum est Agri attribuunt. *Cæsar de Bell. Gall. Lib. 6. §. 20.*

Privati ac separati Agri apud eos nihil est, neque longius Anno remanere in Loco colendi Causa licet. *Ibid. Lib. 4. §. 2.*

|| — Pro Numero Cultorum. *Tacit. Germ. §. 26.*

§ Nè, affiduā Consuetudine capti, Studium Belli gerendi Agriculturā commutent. *Cæsar de Bell. Gall. Lib. 6. §. 20.*

* Nè latos Fines parare studeant, potentioresque humiliores Possessionibus expellant, — nè qua oriatur Pecunia Cupiditas, quā ex Re Factiones Diffensionesque nascuntur : Ut Animi Æquitate Plebem contineant, quum suas quisque Opes æquari cum potentissimis videat. *Cæsar de Bell. Gall. Lib. 6. §. 20.*

mocracy. And suitable to as consequent on such a Foundation we find such a Democracy, a * Senate deliberating, the King or any of the Senate proposing, and the whole People confirming. The supreme executing Magistrate † was elective by the Voice of the Whole, but only ‡ out of a particular Order. Amongst the most ancient Traces we can find of this Government, we see the People divided into Tens and Hundreds, where every Man, as of equal Property, was of equal Power, and equally capable, in his Turn, of being elected Magistrate of his respective Tything or Hundred, where all and every one were equally bound to that private Community in particular, and the State in general, for the peaceable and good Behaviour of the Whole, and every Individual of that Community in particular, and the Support of the State in general: Only the Execution of the Powers of this lesser Community refided in the Hands of one of them, appointed by the Election of the rest, who was call'd the *Teotbyng-Ealdor*, or *Teotbung-Man*. Again, an Hundred of these lesser Communities combin'd made another Orb of Government called a *Centrig*, whose respective Magistrate was called a *Centgrave* or *Centgrefa*. Now that this was the Institution in *Saturn's Reign* is plain, as we have several of the Names of such, and the Names of their several Hundreds, in which Names we may see clearly pointed out their very Office. We read that || *Astarte*, *Demaroon*, and *Adodus* ruled over their respective Regions or Provinces, according to the Institution, or by the Authority of *Cronos*. ** *Athena* too had the same Kind of Office given to her in *Greece*. We likewise find *Cottus*, *Gyges*, and

* De minoribus Rebus Principes consultant, de majoribus omnes, ita tamen ut ea quoque, quorum penes Plebem Arbitrium est, apud Principes pertractantur; si displicuit Sententia Forumitum aspernantur, fin placuit Frameas concutunt. *Tacit. de Mor. Germ.* §. 11.

† Eliguntur in iisdem Consiliis. §. 12.

‡ Ex Nobilitate. §. 7.

|| *Astarte* οἱ μεγίστη καὶ Ζεὺς Δαμαρούς, καὶ Ἀδούσα Βασιλέα, διὸ Ιβαδίνων τῆς χώρας Κέρων γνώμην. *Sanchoniath.*

** *Ibid.*

Briareus in some such Power or Office. These the *Grecians* childish or politic Ignorance of Antiquity (from a Similitude of two Words signifying different Things) fabled into Giants with an hundred Hands; but the Matter is disengaged of it's Fable by * *Palæphates*, who says, that they were really Princes dwelling in Cities called *Centrigs*. And in the Name of the last of these, † which we are told was not the personal but honorary Name, in *Briareus*, I say, we may see the Ruins of the original Name *Freybeeren*, or *Barobeeren*, which was the honorary Name of these great Officers.

All the executive Power, as it related particularly to these distinct Tythings, or Freeburgs, were executed by the respective Representatives of such; when any Matters were to be settled that extended to the Concerns of the Hundred, such were executed by the Centgrave, ‡ together with the Hundred Tythingmen for that Year; and thus we would understand *de minoribus Principes*. But if any Thing came upon the Tapes that extended further, or concerned the Whole, then such Matter was determined by the Deliberation of all the Magistrates of that Year, and confirmed by the Result of the whole Congregation.

But tho' *Saturn* left the Execution of all civil Matters thus in the Hands of the People, as well as the Property, which is the very Essence of a Democracy; yet he took, as the Archon or General, the Military, intirely into his own Hands, and appointed the Leaders himself. Now the *Phænician*, from whom in Part we collect these Matters, tells us, that these were called *Eloïm*, whence the *Greeks* added the Title of *Theoi*, or *Gods*, to the real Name which they had learnt,

* οὐδὲν δέ περι τάπεις αἱ ἔχου ἀκατόντα χρήσεις, αὐλης ὅντες πῶς; δέ μὲν εἰδῆς τὸ τούτον; τὸ δὲ αἰδοῦς ἄτοις, τὴν πόλεις ὄνομα Ἐξαποχεῖται, οὐδὲ φίλοις. De Incredib. Hist. Cap. 21.

† "Οὐ βούλεται καλέσαις θεοὺς, αὐλης δέ τι πάντας

Αἴγαλιν" ————— Iliad. 1.

‡ *Centeni singulis ex plebe Comites, Consilium final & Auctoritas, adfunt. Tacit. §. 12.*

namely,

namely, that of *Gigantes**, whom they describe as great Officers or Warriors. I say, it seems to me that, in the Word *Gigantes*, we have really the Vestiges of the old *Saxon* or *Celtic* Expression, for the Leader of an Army, called *Wigang* or *Guigang*. † We are told that this was their original Name, tho' afterwards in Derision they were called *Titans*, from the Word *Tibtan*, signifying to *conspire*, or from *Titb*, signifying *Earth*, ‡ called *Earthborn*, as if, instead of attending to their Duty, they had employed their Forces in Agriculture, || a Thing most disgraceful among the *Germans*, and most infamous for the Army.

But altho' originally the Fixation of the Ballance was as above, that the private Landholders were only Farmers of the Fees of the Community; yet § we read of private Demeasns that were not thus changed annually, and we find ** a Distinction of Persons arising from Opulence, †† and Mention is made by some even of Hereditary Estates. Now these are Facts so directly contrary to what, from Facts of equal Validity, is stated above, that, had we nothing to direct us in judging of these detached Hints, we must suppose them to be spoken of different Times, and that the First refer to the original Institution, and the latter Account to those Times when the original Fixation was somewhat corrupted. As we have seen above that this

μεγαλύς τι Γίγαντος
Τιύχοις λαμπτομένος, δόλιχ' ἔχια χρεσὶν ἔχοντος. *Hesiod. Theog. v. 185.*

† Τὸς δὲ Πατὴς Τιτᾶνος ἴωκληνος καλέσθη
Παιδας ποκίλος μέγας Οὐρανὸς, οὐ τίκιν αὐτός,
Ωδοὺς δὲ τιλαιρώντας απασθανόη μέγα γίγαντος.
* *Egypt* — v. 207.

‡ Ἐπ τότε δὲ Ἀγρέται, η̄ Κυρίγοι εύτοι δὲ καὶ Ἀλῆται καὶ Τίτηνις καλένται. *Sancboniatb.*
Hesychius thus explains the Word Γίγαντος. — γυγνίνοις — τῶν τὰ γῆνα ἰεμαζορίουν καὶ αἰμαζιανόντων.

|| Ἀγρὸς οἶναι καλλιτο. γῆς δὲ Ἐγγάτων ἀτίμωδατο. *Herodotus, Lib. 5.*

§ Arva per Annos mutant, & supereft Ager. *Tacit. Germ. §. 26.*

** Locupletissimi Veste distinguntur. §. 17.

†† Dr. *Moscon*, Hist. of *Anc. Germ. Book 2.* §. 34. *Bacon on Govern. cap. 47.* *Cesar de Bell. Gall. Lib. 6.* §. 13. *Tacit.*

Level of Property was so fixed as a natural Foundation of a Democracy administered by a Prince, in Proportion as we find this corrupted, we find in Proportion the Power of the Few extended to the Abridging the Prerogative of the Prince, and to the Exclusion of the Rights of the People. Thus amongst the *Gauls*, who were a Colony or rather a disfevered Branch of this ancient Government of the *Germanians*, when they had been some Time settled, * and had in some Measure applied themselves to Trade and Commerce, † we find the Distinction of private Property, and accumulated and hereditary Estates. And accordingly we find, in *Gaul*, ‡ an Aristocracy grown up to the Subversion of the very Office of Prince, and to the actual Exclusion of the Rights of the People. We read of the Growth of a like Aristocracy amongst the *Britons*: Formerly, says *Tacitus*, they were governed by Kings, but now are torn and distracted by the Power of a factious Aristocracy.

But this Form of Government was, even in it's original Institution, liable to the Aristocratic Oligarchy; § for tho' perhaps it may be said that the Accumulating vast Estates was sufficiently awarded by the Custom which prescribed that the Property of the Head of the Family should be divided equally amongst all his Sons, or, in Failure of such, to all his Heirs of the next Degree of Kindred. Yet suppose this to be a Fact sufficiently grounded (which some suspect 'tis far from being) yet, in the same Manner in which the Land in general was

* We read of Merchants going amongst them, tho' not in a regular Way of Commerce or Exchange of Commodities. *Cæsar de Bell. Gall. Lib. 4. §. 2. & 5.* and we read of a very advanced State of their Navigation. *Lib. 3. §. 12. & 13.*

† *Cæsar de Bell. Gall. Lib. 6. §. 17.*

‡ In *Gallia* non solum in omnibus Civitatibus atque in omnibus Pagis sed pene etiam in singularibus Domibus Factiones sunt. Earumque Factionum sunt Principes, qui summam Auctoritatem eorum Judicio habere existimantur; quorum ad Arbitrium Judiciumque, summa omnium Rerum Consiliorumque redeat. *Cæsar de Bell. Gall. Lib. 6. §. 11.*

§ Olim Regilus parebant, nunc per Principes, Factionibus & Studiis trahuntur. *De Vita Agricolæ. §. 12.*

held of the supreme Magistrate in Capite. In the same Manner was all the Land of a particular Clan held of the Head of that Clan ; * he received, in Consequence of such Tenure, certain reserved Rents as his private Property : And every Family having a Portion of Land according to the Number of Landholders in that Clan : Such a Prince, or Head, would not only become more powerful in the Number of his Tenants, but also in his Revenues. So that a numerous Clan, thus centering under an intriguing and active Head (especially if such Head was one of the *Principes*, the Nobility, under whom would conspire a Subordination of another Nature) and a Number of such Heads, finding it their Interest to associate, would inevitably establish an Aristocracy too powerful for either Prince or People to withstand, and would govern either by the one or the other, to the Subjecting of both, just as they saw convenient.

Now, from what dark Traces we can collect of this obliterated History, it does appear, that the Event was so in Fact. For *Saturn*, finding that these *Centgreives* or *Freybeerens*, were become to have such Lead and Influence in the Commonwealth, as to be of great Weight in the Scale against the Prince, he grows so jealous of them that he throws several of them into Prison, † as particularly *Gyges*, *Cottus*, and *Briareus*, and comes to a Resolution to murder all his Children, ‡ that they might not have any one that could have a Pretence to be at the Head of a Party against him. But the Aristocracy still increasing, || and the rather more confirmed and leagued together by these Measures of his, he was forced to put himself into the Hands of the Leaders of his Army. Who take this Opportunity

* Mos est Civitatibus ultrò ac viritim conferre Principibus vel Armentorum vel Frugum, quod pro Honore acceptum, etiam Necessitatibus subvenit. *Tacit. Germ.* §. 15.

Frumenti Modum Dominus, aut Pecoris, aut Vessis, ut Colono injungit, §. 25.

† *Hesiod. Theog. ver. 616.*

‡ Τὰ φρεάτια, ἵνα μή τις αὐγαῖνει Ὀυρανόντα

Ἄλλος δὲ ἀθανάτους ἔχει βασιλεῖδες τιμῆς. v. 46f.

|| Ὡς τάπεις; ιερωνύμης θεός; τὸν Κέρκυραν γνώμην. *Sanchoniath. apud Euseb. Lib. 1.*

to set up for themselves, and confine him in *Erebus*, (which perhaps may be the Greek Pronunciation of *Herebooth*, which signifies the Station of the Army, the Place of Rendezvous, or Head-quarters;) but *Jupiter* his Son, by the particular Circumstances of his Education in *Crete*, seeing the great Weight and Power of the growing Aristocracy, and by the same Circumstances being peculiarly connected with the maritime Parts where it most prevailed, and had been gaining Strength from the Time of *Uranus* (for in that Time we find *Pontus* rebelling, and able to support himself against all the Power of *Uranus*) and still farther, by Improvement in Shipping and a greater Extent of Navigation and Commerce, the Naval Power had been increasing every Day, till, from a neglected and inconsiderable Branch of the Kingdom, it became not only the most considerable, but, under the Influence of *Pluto*, *Hecate*, *Neptune*, and other great Persons of Power in those Parts, absolutely the Center of the whole Power of the Empire. Now this young Prince, bred as it were in the very Bosom of this Interest, had seen enough not to fancy, as his Father did, that he could overbear it, by creating popular Attachments and Interests in Opposition to it, or break it by violent Measures; was wise enough to see and follow the Channel where the Current of Power ran, and, having Art to apply these Incidents and Circumstances to the working himself to the Head of this Party, took the Lead of this prevailing Interest, and * became thereby able to release his Father from Prison, and the Usurpation of the *Titans*, and † likewise did endeavour, by restoring the great Barons to their Liberty, to restore the Peace and Liberty of the State, setting it's Power on it's true Basis. But this still more inflaming the burning Jealousy of *Saturn*, and his Prejudices being invincible, instead of falling into these salutary Measures, he flies out into an open Breach with this

* Ennius apud Laeliat. Instit. Lib. 1. cap. 14.

† Ἀλλα σφίς Κρονίδης τι κ' αὐταράτοι θεοὶ εἶλον
Γαῖης φρεατμοσύνην αἰγάλευτην οἱ φάτοι αὐτοι.

Hesiod. Thesg. v. 624. &c. 6.

Party, and gives them a good and legal Pretence of breaking out into open Rebellion against him. The Tide of Power setting thus strong this Way, *Jupiter*, for his own Safety and the Security of the Kingdom, falls in with the Current, * and fully explaining his Inclinations to the Interest, and Attention to the Claims, of this Aristocracy, becomes the Darling, and is made the Head of the Expedition. He first seizes and secures his Father's Person, and, then after a tedious War, and many sharp Conflicts, expels the *Titans* out of the Kingdom, driving them into *Tartarus*, which we would willingly imagine we could prove to be no other than † *Tartary* or Upper *Scythia*.

‡ *Jupiter*, being thus in quiet Possession of the Throne, by the Assistance and Interest as above, § if not under a Form of Election, applies himself to the Regulating this great Empire, which, as the Interest was greatly extended, and the Ballance of Power shifted, stood now on the Basis of quite another Interest, and therefore required another Form of Orders and Subordinations. For these great Allies, these *Dii Consentes*, of whom the Aristocracy consisted, and under whom (each in his respective District or Province) the Lead or In-

* Εἴτε δὲ ὁς ἀν μηλὰ τὸ Θιῶν Τίτανος μυχοῖσι,
Μή τούτος αὐτοῦ γέρανος, τιμὴν δὲ ἵκανος
Ἐξίμιος, ἃς τοπάρεθεν γε μηλατότοις θεοῖσι
Τὸν δὲ οὐρανὸν ὅσιον αἴτιον οὐτὸν Κρόνον νόμον αγίασθαι.
Τιμῆς καὶ Γεράνου ἴσωβοτομένος, γέρανος ιτί.
v. 392.

† Τάρταρος τὸν πέριστα μυχὴν χθονὸς εὐρυδίππον.

Hesiod. Theog. v. 120. The Extremities of the Earth are paraphrastically called Τάρταρος Γαῖα, v. 840.

But, to trust no further to Arguments drawn from the Licence and Uncertainty of Description, take this philosophic Determination of it's Latitude. —————— § Νότιος τοι καὶ Ήμίρα πόστερον οἰσται
Ἀλλούλας προσώπων. —————— v. 747.

‡ Ταύτης δὲ ὁ δύο σύρανος ιμβασιδέναις
Καύκαιος πεντάγετα Κρέον. Εόδε δὲ ἵκανα
Ἄδανάτοις διελάκειν ὄμοις, καὶ ιστίφραδες τιμᾶς. Hesiod. v. 71.

§ Αὐταὶ οὖτις ἔτι πέντε μάκαρες Θεοὶ οἰξετίδεσσας
Τι τίμουσοι δι τιμάντων πρίνασθε βίηφι
Διὸς ἐπει τοι τέτταντα βασιλεύειμας ηδὲ αἰάσσουν. v. 880.

terest of the whole Empire did in Effect center, would naturally claim as Right, in such a Revolution as this, what they had acquired by Power. * He therefore settles the Empire on it's natural Basis, by subordinating the several Orders of the Government, in a legal and constitutional Manner, to this acquired Power of these great Peers: And, accordingly, we find him dividing his whole Kingdom into Circuits or Circles, put under the Government of these Viceroyes, who were answerable to him, by Oath of Allegiance, for themselves and their respective Provinces: Yet all this with the Appearance of their being elected by their People, which, in Fact, took the Power out of his own Hands, and, in the Event, threw it into those of the Aristocracy. Now, in their Number being Twelve, we may see the Rise of that Establishment of the ancient *Germans* dividing their Governments into twelve Circles or Counties. Another Point that the Aristocracy gained of him was, that the Leader of the Army should for the Future be chosen by the People out of their own Magistrates; this was in Effect putting the Army into the Hands of the Aristocracy, in whose Hands the People were. Now as the Aristocracy gained these Points upon him, by affecting to build upon the Interests of the People: There is a material Point in his Favour, that he took the same Pretences to preserve, as it was expressly built upon this same Interest of the People, that is, + the preserving the Powers of the Centgreives and Tythingmen in their respective Hundreds and Tythings; for surely we may say, he contrived to continue these Earls to be a Counterbalance and Check upon the great Regents of the Provinces, as the Eevent points out this very Use and Application.

* Ως τον Αριστον δάσσαντο, και ας Τιμαις διδοντο. v. 112.

Η δε και ας τα πρωτα πολυτελη χωρια ισχου Οδυματος.

Ος δε αυτως παντοσσι διαματεις, ποσιει υπειν

Εξιτιλασσος v. 403.

Ο δε τοισι ειν διεδασσαντο τιμαις. v. 884.

+ Άλλοι ιχνη ας το πρωτων απο αρχης ισχαι Διασημοις. v. 425.

of their Power, * for, when some Time after the *Dii Consentes* had formed a Conspiracy against him, he dissipated it by the Assistance of these Earls the Centgreives. He likewise contrived two other Cautions as Barriers of the Imperial Power, an Oath (of the greater Form) of Allegiance, and a Quit-Rent, acknowledging these great Posts as Fees of the Crown. These two Institutions we find in the earliest Account there is of this People, and there are some Traces in the above History, which fairly seem to point out their Institution at this Juncture.

As first of the Oath, we read † a very minute and particular Relation, where the River *Styx* is consecrated to this Purpose, as an Oath of the higher Form, to be taken only by the Gods, (as all the great Officers were called, as we have seen above.) The Punishment of their Perjury, or Falsifying this Oath, was that of ‡ disqualifying the Offender to enjoy the lowest Rights of a Subject, and expelling him out of the Kingdom, into *Tartarus* for a certain Time. But when this Perjury was attended by, or extended to, any overt Act, that offended against the Empire of the State, we read of their being buried alive, nine Acres, or whole Mountains, being thrown upon them, according to the usual Custom of Antiquity, making Mountains of Molehills, whereas in Truth the ordinary Punishment amongst the *Germans*, in these kind of Cases, was of plunging the Offenders § in Mud and Mire, and suffocating them, by throwing a Hurdle or Harrow upon them.

There is likewise a Passage in the *Theogonia* which seems to suggest, as if the Institution of these *Feuda* was in Force at this Time. For we read that *Hecate*, who was Treasurer, and received the Re-

* Homer's Iliad. Lib. 1. ver. 400.

† From Verse 774 to Verse 809 of Hesiod. Theog.

‡ Nec aut Sacris adesse nec Consilium inire Ignominioso fas. Tacit. Germ. §. 6.

§ Cæno ac Palude, injectâ super Crate, mergunt. Tacit. Germ. §. 12.

venues of the Empire, * received a certain Portion out of every Honour and Office that any of the Gods possessed.

And, as a Confirmation of this Matter, we observe, that, as the Potency of these two Reigns was very different, so there was quite a different Method of Administration in *Jupiter's* Reign, than what was practised in that of *Saturn*. † *Saturn's* was a continued Progress thro' his Kingdom, that he might always be at Hand where his Presence was necessary; and therefore he sometimes resided in one Part, sometimes in another of his Dominions, that his Influence might extend to all. ‡ Whereas we find *Jupiter* constantly at *Olympus* or *Ida*, not descending to these lesser Wheels, the Retail of Government, but leaving those Matters to the respective Magistrates and Officers, in whose Hands was the distributive Power of the Empire; and who were answerable to him for the due Execution of them; expecting from their Hands the Effect of Peace and good Government. The Center of the Empire was in him; and in this Center they all conspired, incapable of forming any other.

* Τὰ περὶ τάξιν
Ζεὺς Κρονίδης τίμος πόρις δὲ οἱ μέγαται δύο
Μοῖραι ἔχουσαι Γαῖας τι καὶ ἀτρυγίτοις Θαλάσσας
δικαίας τι πάρεστι.

"Οσοι γαρ Γαῖας τι καὶ Οὐρανὸς εἰχεγένετο
Καὶ Τίμην ἐλαχοῦ, τάπεινον ἔχειν αἰσθάνεται. Hesiod. v. 411—422.

† Sanchoniath. apud. Euseb. Lib. 1.

‡ οὐ σὸν γε τοῦτο

"Εργάζεται, οὐτε ἄνδρα Σανιονωαλον, οὐ μὲν ἀνδρόν
"Αλλα τὰ μὲν μακάριστους ὅλίζεται αἴσιοι παράγοντες
"Αλλα μάλιστά τετέμοι: Σὺ δὲ εἰέντα πολεμάσκεται
Λύττος, οὐτε ὑπὸ χιλίων Γιωράδων, οὐδὲ τοῖς αἰχμαῖς
"Οὐδὲ ιστέται οὐ πάντα." v. 70.

v. 80. — τῷ καὶ σφίτινοι ιερίσιοι λέξιν
Δῆκας δὲ πολεμήσει φυλασσούμενος οὐτοῦ αὐτὸς
"Ακρης οὐ πολεμάσσοι, θεόντες οι τοιούτους
Διὸν οὐτε σκολιῆς, οὐ τὸν ήμεταντον Ιερόντος

* League all your Forces then ye Powers above,
 Join all, and try th' Omnipotence of Jove,
 Let down our golden everlasting Chain,
 Whose strong Embrace holds Heaven, and Earth, and Main ;
 Strive, all of mortal and immortal Birth,
 To drag by this the Thunderer down to Earth.
 Ye strive in vain ; if I but stretch this Hand,
 I heave the Gods, the Ocean, and the Land ;
 I fix the Chain to great Olympus' Height,
 And the vast World hangs trembling in my Sight :
 For such I reign, unbounded and above,
 And such are Men and Gods, compar'd to Jove.

Yet this Aristocracy which Jupiter could scarce hold together, during his Life, was afterwards distracted into divers Governments. Some of the Divisions indeed were made during his Life, as that of the *West* to *Dis*, and Part of *Afric* to *Atlas* (*Egypt* had been given to *Taut* by *Saturn*) † and *Crete*, where he died, to his Son *Cres*. ‡ Here then we see the Reason why that only Difference, which there was between the Government of *Crete* and this, we see almost the very Rea-

* Homer's Iliad. Lib. 8. ver. 18.

† Diodorus Sic. Lib. 1. §. 19. Euseb. Chronic.

‡ This Revolution is very particularly related by *Hesiod* in his *Theogonia*, as well the Reason that gave Cause to it, as the Means that brought it about, and Effect this Cause and these Means had in Modeling the new Settlement, ver. 501—506. and 616—730. which at some other Time we may take Occasion to explain minutely, but these scattered Hints are sufficient to our present Purpose. Yet in these you may see that this very ancient Book, which has been mostly looked upon, as, at best, but an ingenious Collection of the vague Whims of fabulous superstitious Antiquity, if more closely attended to, is a History of the Age, when Governments were first settled, and preceding that in which profane History supposes the Race of human Kings to have begun, and is more particularly a very circumstantial Narrative of the Founding, Forming, and Settlement of the greatest Empire that ever governed this World, scarce the *Roman* excepted, and of the Deification of the Founders.

son why it took Place. *Minos*, who had learnt by Experience of *Jupiter's Reign*, that the old Form would always inevitably break to Pieces, from it's being liable to the Factions of an Aristocracy, destroyed the Claws, which were the Foundation of such Aristocracy, and put every Individual in his Power, as well as Right, upon a Level with each other ; tho' we may suppose that it was to make the Heads some sort of Amends, which was a Reason for his instituting the Order of the *Cosmoi*, out of whom the Kings were always chosen.

* This famous Government then of *Crete*, which held the Empire of the Sea so long, and subdued many Cities of *Greece*; this which is extolled both by Philosophers and Historians, and held out to us as the Pattern of true Policy, and was the very Prototype of the wisest Governments in *Greece*; was a mere Corner of this great *German* Empire, formed out of it, and modeled from it.

That these great Princes, the Governors of this, and the Founders of the succeeding Empires, were the Persons worshipped by the *Greeks*, and all those other Nations that rose out of the Ruins of this great Empire; were those who are called the *Dii Consentes*, the *Dii majorum Gentium*; there cannot be the least Doubt remaining with any one who fairly compares the original Mythology with the Historical Clue to be found in it, and other ancient Authors; I say the ancient Mythology, for the latter from the Mystery of Priests, and the Physiology of Philosophers, is so totally blended and inexplicable, that those who set about explaining it (as *Plutarch* for one) are so little in Earnest, that they give as many Explanations as they can invent Theories, leaving you to choose that which best suits your Humour. But besides the Uniformity with which this resolves all these Difficulties, and reconciles the numberless Inconsistencies in the other Methods,

• Thucydides Lib. 1. Platonis Minos,
O magna vasti Creta Dominatrix Freti
Cujus per omne Littus innumeræ Rates
Tenuere Pontum. — apud Senecte Hippolytum, Ad. 1.

there is another Suggestion that seems a strong presumptive Proof of it's Truth, that is, that this does account for, what no other can pretend to do, the Reason why so many different and distant Nations, that knew not of each other's Name, or scarce Existence, should all in the same Manner worship these same Persons, with the same Attributes and Deities. But, to dwell no longer on Suggestion, we read of their actual Consecration, " how the Devising of Idols was the Beginning of spiritual Fornication, and the Invention of them the Corruption of Life, for by the Vain-glory of Men they entered into the World. Whom Men could not honour in Presence, because they dwelt far off, they took the Counterfeit of his Visage from far, and made an express Image of a King, whom they honoured, to the End that, by this their Forwardness, they might flatter him that was absent, as if he were present. Thus, in Process of Time, an ungodly Custom, grown strong, was kept as a Law, and graven Images were worshipped by the Commandment of Kings. Also the singular Diligence of the Artificer did help to set forward the Ignorant to more Superstition ; and so the Multitude, allured by the Grace of the Work, took him now for a God, which a little before was but honoured as a Man." —* The God *Taaut*, having formerly imitated or represented *Ouranus*, made Images of the Countenances of the Gods, *Cronus*, and *Dagon*, and the rest, as sacred Characters of the Originals. He contrived *Cronus*'s to be emblematic of his Imperial Dignity, which he formed with four Eyes, two of them winking as in Sleep ; likewise upon his Shoulders four Wings, two as flying, two as folded up to Rest. The Purport was, that

* — Θεὸς Τάαυτος μαρπόμιθος τὸν Οὐρανόν, τὰν θεῖον ὄψιν Κέρων τι καὶ Δαγύνθος, καὶ πᾶν λοιπῶν διδόνειν τὰς ιερους τῶν τερψίων χαρακτήρας, οὐπούσοις δὲ καὶ τὴν Κέρων ταρασσῆμα θεοιλαῖς δημιαῖς πίσταρα οἱ τῶν ιμπροσθίων μερῶν δύο δὲ πονχῆ μόνια· καὶ ἐπὶ τῶν ὀμοιών πίληρα πίσταρα, δύο μὲν ὡς ιππάμενα, δύο δὲ ὡς υφαιμένα. τὸ δὲ σύμβολον οὐ, ιππεῖς Κέρων καιμούμιθος οὐδεποτε, καὶ ἴγετηρος ικομοῦτο· καὶ ἐπὶ τῶν πίληρῶν ὀμοίων, ὅτι ἀπαπαύμενος οὐτιστος οὐ ιππάμενος οὐτιστος. τοῖς δὲ λοιποῖς θεοῖς, δύο ικάρη πίληράμενα οἰπὲ τῶν ὀμοιών, ὡς ὅτι δὲ συνίστασθο τὴν Κέρων, καὶ αὐτῷ δὲ πάλιν οἰπὲ τῆς περιφελῆς πίληρα δύο· οὐτιστος τὸ πηγμαπεποτάτον οὐ, καὶ οὐτιστος τῆς αινόθοιν. Sanchoniatho apud Euseb. Lib. 1.

Cronus, when he slept, yet was watching, and waking yet slept : And in like Manner of his Wings, that, even resting, he flew about, and, flying, yet rested. But the other Gods had two Wings to show that they flew after or under him. He had also two Wings on his Head, one expressive of the most governing Part, the Mind ; the other of Sense.

But People have different Methods of Reasoning, and different Ways of being convinced, and perhaps to some these Facts may appear too vague and evanescent, in this early Dawn of History, to afford any Reasoning from their determinate Form ; therefore, with Judges of such scrupulous Observance, we will again cast our Eyes upon those Figures, whose Contours are more precisely determined by standing forward in a bolder Light.

If we look upon the first Forming of the *Atbenian* State, we see that the Power which effected it, and gave it it's Form, arose wholly from this Ballance of Property : We find that this was the Foundation on which it was built, and the Application to this the Means by which it was brought about. For *Theses*, finding most of the Cities and Villages in this Region, by reason of their Increase of Property from Commerce and Piracy, * quite antimonarchical in their Principles, took Occasion from, and availed himself of that Spirit ; and, working by it, brought about an Event which surely nothing else could have effected, namely, † the Dissolving so many Governments, whose chief Fame was in the peculiar Honour they derived to themselves from the ancient Names of Kings and Heroes, their several Founders ; and, as these were Means by which he brought about this Empire, upon this Foundation only would it rest secure. He framed therefore the Government in that Form of Power, which na-

* Τοῖς δὲ Δυναῖς αὐτοσιλεύτοι πολιάκας πρόσειπτο, τῷ ἀνηκερτίᾳ. Plutarch. *Vita Thesoi.*

† Αισιρῆν καὶ πολλὰς πόλεις επανόρμως βασιλεῦντες πρώτης πολαιστοί. *Ibid.*

turally arose from this Ballance lying at it's Foundation. * He gave the executive and interpretative Power to the Rich, the Nobility; the Result to all the Landholders and Handicraftsmen in common, † who were likewise distributed and distinguished according to their respective Relations to this Ballance.

According to this wise Example of *Theses*, this continued to be the Spirit of the Legislators of *Athens* in latter Times. And ‡ accordingly we find when the Whole was in Confusion, going to the Wreck of Parties and Factions, under the Ferment of the different Interests of the Highlands, Lowlands, and Maritime Power; we find when *Solon* was called to the Helm, and made Legislator, he did not, like *Lycurgus*, fit down to study what Form of Government was best, artificially framing a forced Ballance, supported by unnatural as a proper Foundation for such; || he did not act from any Means, ideal Standard of Meliority in the abstract Nature of Things, but from the real Standard of the Ballance of Property in the Country, § and fixed the Government where the Power and Interest were already fixed; and this is the true Meaning of that Saying of his (so little understood) when he was asked whether he had given the *Athenians* Laws the best that were in the Nature of Things? I have given them, says he, the best they could receive.

* Εὐωτεῖδαις μὴ γνώσκειν τὰ θεῖα καὶ παρέχειν αὔχοντας αἴτοδύς, καὶ Νόμου Διδασκαλίας εἶναι, καὶ διοικεῖν ιεράτης. Plutarch. *Vita Thesei.*

† Τοῦς δέδοις, δὲ ποιήσας, δονεις τις τῶν κατιστος. —— δοξεῖ μὲν πατερίδαν, ληγία, δὲ Γεράκεν, πλάθη δὲ τῶν δημιουρῶν ὑπερέχειν δοκεῖται. Ibid.

‡ Diogenes Laert. & Plutarch. in *Vita Salonis*.

|| Σάλων δὲ τοὺς Πρεσβύτερος τοὺς νόμους μάθειος οὐ τὰ πράγματα τοὺς νόμους προστημένων. *Vita Solonis* Plutarch.

§ Quoniam Reipub. interesse putabat [scil. *Solon*] ut, quorum plurimum referret Rempublicam esse salvam, ii in Rebus administrandis plus reliquis etiam possent, primum ex Censo Populum totum distinxit in Classes quatuor: Deinde ex harum prioribus tribus, quae Res Soli possederunt ad certos Modos, & ex his Fructus percepérunt (hæ enim tum præcipue Opes Atheniensium erant) capi eos voluit, qui annuos Magistratus omnis Generis gerent, & Reipub. curandæ administrandæque Potestatem haberent. Ubbo. Em. Descript. Reipub. Athen. pag. 22.

Thus

Thus have we pursued that System of which Man is Part, in which Mankind can alone subsist from it's first simplest Relations, thro' every Process of it, to the most perfect Form it puts on ; whereby we see that it is not any imaginary Fear of external Violence, or any such momentary Motive, that forms an artificial State of Society, from a visionary State of Nature : But that this State of Society is the natural State of Man, formed on this System of Communion ; and that this Communion, as it becomes more extended and interwoven into such Society, divides Mankind into the Governors and Governed, and becomes what is called Government. And that moreover, from the various Shapes it is found to be under, from the Scite and Situation where it is formed, it derives it's Modes and Combinations on such Governments, so as to frame and model them into Constitutions consequential of such a Foundation. We see hence, how lawful and just Power is created ; and how consonant to, as consequential of, the Principles it is built upon, it puts on all it's Forms. Having, as it were, analysed this grand Machine in all it's Combinations, up to it's first and simplest Powers, we have seen where they all conspire and reside ; how that Spring, whence they all derive their Motion, is framed and constituted, and whence it acquires it's Force and Efficiency. But would we see how this Power is diffused from this Center of Action, how it is communicated to the Whole, we must see how the several Species of Powers, how the several Individuals, act amongst each other, and are acted upon ; how they are subordinated so as to receive, and connected so as to communicate this general Power. * This Modelling the People into various Orders, and Subordinations of Orders, so as to be capable of receiving and communicating any political Motion, and acting under that Direction as a one Whole, is what the *Romans* called by the peculiar Word *Imperium*, to express which particular Group of Ideas, we

* Πολιτεία Τάξις καὶ Καλέσαντες τούτους διατάξαντες τὰς μητέρας. Plutarch. de Imperio.

have no Word in *English* but by adopting the Word *Empire*. 'Tis by this System only that a People become a political Body ; * 'tis the Chain, the Bond of Union, by which very vague and independent Particles cohere : 'Tis, as *Livy* says, the *Circean Wand*, touched by which, Men and even Brutes grow tame and manageable ; where this Cement is not, all Things run together into Confusion, and fall to Ruin where there is not this Foundation. A Number of People will then, and then only, receive the Impression that is derived from this Center, when the several Individuals are by various Rights and Reasons more connected with this Center than they can be amongst one another ; where, by their Circumstances and Principles, they are more liable to receive this Impression than any they can give themselves. Suppose now the Multitude of Individuals to be united in their several Scites respectively into Numbers of these Centers, and that any Number of these Centers, in their several Departments, are in various Quantities conglomered by the same Rights and Reasons, by the same kind of Circumstances and Principles, into many such more general Central Systems ; that these again conspire into more general still ; 'till all converge into a one common universal Center of Power ; and you will have a distinct Idea of those Orders and Subordinations that form an Empire : Especially if you carry along with you in your Imagination some Engine or Machine, the Silk-Mills for Instance, or any other, where a one common great first Movement is communicated and distributed thro' the Whole, in various Proportions, to an almost infinite Number of little Movements, that are independent of one another. You will see thus how naturally, how mechanically, any one Impression will diffuse itself thro' the Whole, so as to give all respectively that Direction which is prescribed in common : But from the Individuals having no Principle of Coherence with each other, above that whereby they cohere in their re-

* Imperium Rerum Vinculum, per quod Respublica cohæret. Seneca *de Clementiā*, Lib. 1.

spective Centers, and from the Individual Orbs having no Intercommunion but thro' the same, you see 'tis as unmechanical, as impossible, that the several Individuals, Persons and Orbs, should conspire to create another equal Force that should recoil back upon the first Mover, as that the several independent little Movements, in any such Machine as above hinted at, should be collected to react upon the first unwieldy Movement. Nor is it more necessary to preserve the several Individuals subordinate to their respective Orbs, than it is essential to the Preservation of the Empire to keep them disconnected and independent of each other. And hence in all troublous and seditious Times, when the Heads of Parties have been endeavouring to connect them by Badges or Tokens of Union, it hath been always considered as traitorous; and in *England* Statutes have been provided against such Practices, as the Statutes against Liveries in *Henry the VIIth's Time.*

What those Circumstances are that determine these Orders and Subordinations, we have seen above. The Rights by which they subsist are those Laws and Sanctions, that provide for their Continuance, and assist the Exertion of their Influence with the united Influence of the Whole. But as in any Machine, besides the mechanical Powers and Laws of their Motion, there are other Principles arising from the Unpliableness of the Materials, and the Obstructions of Friction: So in this very compound Machine, besides the Circumstances that determine the Existence of the several Powers, besides the Rights that preserve and support them, there are other Reasons and Principles arising from the Imperfections of Man (the Materials of which this is form'd) which it strongly behoves the Legislator to attend to. * A Government can only be preserv'd by the united Harmony and Order of its Polity, which arises from a right Constitution of Laws; but the Sanc-

* Τὸ δὲ σῶζει τὰς πόλεις, η ἀρμονία καὶ δὲ τῆς πολιτείας κύρωσθε. Φημὶ καὶ γάρ. ταῦτα δὲ πέπονται τὴν αὐτοκίαν, τὴν δὲ εὐεργείαν τὴν χρημάτων ἀργεῖν φυλακτίου. Max. Tyr. *Dissert. 6.*

tions of these Laws nothing but the Virtue (I mean political Virtue) of those that use them will preserve. This Power of Empire consists in that Consciousness, which every Man has in his own Breast, that he ought to obey the Laws. Laws may instruct and prescribe what is right; may become a Rule of Reason; may enforce what they prescribe with the greatest and severest Sanctions; yet where they reach not the Conscience; where they are not an Object of moral Principles; the most religious Sanctions will have no Impressions. *Enforce their Exertion by the Sanction of an Oath, while knavish Casuistry can explain away the Obligation, and Chicane evade the Penalties; Corruption will break that Oath, and become a standing Example of Perjury: Laws will be a meer Form of Words, and Majesty an empty Name. † In the early Ages of the *Roman Government*, the Legislature found it sufficient Sanction to declare the public Sense and Reproof. ‡ Sanctions (says likewise *Thucydides*) have, from the gentlest Reproof, arose, thro' every Degree of Punishment, to the severest Pains and Penalties. At first the mildest Penalties were inflicted on the most heinous Crimes; but, Men's Vices being grown enormous, to the bearing down these Bounds, they were forced to strengthen them still more and more, even with the Terrors of Death; and yet they still transgress. When once the Sense of public Truth and Right is obliterated; the Shame of public Infamy lost; when once the Conscience is become thus vitiated and corrupt; while a Man will daily hazard his Life for his Interest, no Fear of Death can re-

* Cavillari tum Tribuni, & Populum exsolvere Religione velle: Sed non hæc, quæ nunc tenet Sæculum, Negligentia Deum venerat; nec interpretando sibi quisque Jusjurandum & Leges aptos faciebat, sed suos potius Mores ad ea accommodabat. Liv. Lib. 3. §. 20.

† —Si quis adversus ea fecisset, nihil ultra, quam id improbe factum, adjecit. Id (qui tum Pudor Hominum erat) visum, credo, Vinculum fatis validum Legis. Nunc vix serio minetur quisquam. Liv. Lib. 10. §. 9.

‡ — οὐδὲν παῖδες ζημιῶν οἱ ἀνθρώποι προσίθεται τίπος κόστος αδικούσθε ὅτε τὸν κακέλαν, οὐ εἰς τοιάδε τὸν μητέρων αδικημάτων μαλακεύσῃς τινοδας αὐτοὺς παραβιομένους δι τὴν χρόνην οἱ δάσαλοι οἱ πολλοὶ αἴγαχοι, οὐ τύτο οἵμας παραβαίνουσι. Thucydides. Lib. 3. §. 45.

strain him, when he thinks it his Interest to break the Laws. When the Laws lose this actuating Spirit, all their Efforts will be obstructed; all their Force lost, before they can put in Motion those Powers, whose Motion they are intended to direct: The Soul of Government (if there can be any Life under such Corruption) may give the actuating Impression, but, on such palsied Limbs, it will be effortless and without Effect; the severest Stroke of Justice will, like the Arm of some trembling spiritless old Man, fall languid—*imbelle sine ictu*.

But that the Power of Government may overcome all Obstruction, and be extended, and act, and live thro' the Whole; that the Spirit, not merely the mechanical *Momentum*, may be communicated and deriv'd to all the Members, 'tis necessary that there be a public Sense, a public Consciousness, a public Conscience. In the same Manner that every Man feels, that each Part of him is a Part of one's self; so should he feel, that he, the Individual, is a Part of one Whole: As there is but one Consciousness throughout the whole Man, so there should be but one throughout the whole Community: For, as the Unity of Communion (above explain'd) makes the Polity one natural Body, so this one Consciousness makes it one Person, one moral Agent: And, as such, it will feel the same moral Sense of Virtue, Truth, and Rectitude; the same Self-approbation or Abhorrence; the same Zeal for public Interest; the same Desire of honest Fame and Glory; the same Love for Liberty. How this is to be cultivated and regulated; how preserv'd; how it is corrupted and lost; is beyond my present Purpose; 'tis enough that we see that this is the *Sensorium*, the Vehicle, as it were, of the Soul of Government.

'Tis this *Imperium* above explain'd, this Power of Government, that in all States, of whatever Spirit or Denomination, must be not only supreme * but absolute; so far absolute, as to extend it's intire

* The Reverence that is given to a Fundamental, in a general unintelligible Notion, would be much better applied to that *Supremacy* or Power which is set up in every Nation in different Shapes.—There is then no other Fundamental, but that every supreme Power must be arbitrary. *The Marquis of Halifax's Political Thoughts.*

and perfect Influence, to the putting the Whole into Motion, in the very Direction that the Power is impress'd. But that, when put into Motion, it be not unequal, violent, impetuous beyond all Proportion of it's Nature; as throughout the human Body there are Muscles that counteract to stop and ballance; as in every Machine calculated to continue as well as communicate Power, there is something to regulate and render equable such Motion; so in all Governments, founded in Truth and Nature, there is something to render equal and uniform their Motion, that their Actions, while this remains, cannot become violent and arbitrary.

In Democracies the Rotation of Offices, and Censure of Magistrates, is this Regulator: 'Tis this keeps every Motion of the Government in the Direction, and under the Influence of the Laws, which is Liberty. This *Livy* says in express Words of the Government of *Rome*, when it became Democratic: 'The * Liberty of the State first took Root from hence, that the Consular Power was by annual Rotation, rather than that any Thing was diminished of the Imperial Dignity.

It being, as we have more than once obſerved before, that an Aristocracy, without a Moderator or Prince to ballance them, is a State of War, that such may be a State of Government; that it's Motions may be political, not capricious, arbitrary, and violent; that it's Actions may be those of a Government, not those of a prevailing Party, which is always factious and partial; there should be a ſupreme Magistrate, of ſufficient Weight and Power to ballance and moderate ſuch Factions; and to regulate, unite, and render equable the various momentary unconnected Motions of ſuch Parties.

For Want of this, the History, for the moft Part, of ancient Polity, is nothing but the History of Factions and Intrigues of Parties. There are Periods in that History, that, one would think, ſhould

* Libertatis autem Originem inde magis, quia annuum Imperium Consulare factum est, quam quod diminutum quoque sit ex Regia Potestate. *Liv.* Lib. 2.

have pointed this Remedy ; yet still, for Want of it, they most of them took Refuge in a Foreign Tyranny, incapable to support and survive a more insufferable one in a wretched Slavery to their own Factions. Observe one very singular Instance in the *Athenian State*. One would have thought that the domestic Peace, and public Prosperity, which they enjoyed ; that the Security which the Subject experienced, and the Liberty which the State felt under the Administration of *Pericles* ; would have pointed out this Remedy ; for, tho' the People could not reason about it, yet had they not been poisoned by Prejudices ; had not their Senses been inflamed, beyond all natural Sensation, by Factions, and Seditions, and Strife ; they must have as mechanically had Recourse to it, as a Man that is thirsty, to the Brook, to quench his Thirst. " While *Pericles* lived, by the great Power of his Wisdom, Riches, and Dignity, being an over Match for any intriguing ambitious Individual ;" and by the natural Influence he must thence necessarily acquire, being an over Ballance for any Party : And by the Spirit of his Administration, equal and universal, being superior to any other Spirit that did not animate the Whole ; to any other Spirit that arose from the Starts of Passion, and was not the Reason of the Whole : * While *Pericles*, I say, lived, the State was a Democracy in Name and Constitution, but, in Spirit and Fact, the Government of a one principal Regent, a limited Monarchy. Had the People here but had the Happiness to discern what Spirit they were of ; had they but constituted this Power by Law, and armed it with the Powers of the State ; the State might have existed happy, and subsisted long. But Heaven thought otherwise — as soon as *Pericles* died, they relapsed again into the Fever and Delirium of Faction, 'till it brought them to their End. They called in first one Foreign Aid, and then another, 'till, by receiving *Philip* of *Macedon*, they were totally destroyed.

* Εγίνετο τὰ λόγγα μὲν Δημοκρατία, ἵψα διὰ τὸ τὸ Πέρτυ Αἰδη· Αἰχν. Thucyd. Lib. 2. §. 65.

In the same Manner that a limited Prince is necessary to a truly political Aristocracy ; in the same Manner, are the intermediate and subordinate Powers of an Aristocracy, a Nobility and ennobled State Officers, necessary to regulate and communicate the Power of a Monarchy, that is not despotic ; to distribute this Power from the Center equally to all and uniformly at all Times ; that the Gusts of Will, the Starts of Passion, may be obstructed ; that it be not partial and capricious, but that Reason only may prevail to communicate it regularly and equably.

But let us see how a Government can reason, for in this primarily consists the political Liberty of a State. That it is in a Capacity of reasoning, and that it's Powers are so framed, that this Reason becomes the Will of the Government, that that Part where resides the Power of Execution, should have the Right of Result, the Power of Enacting, is that Constitution whereby it may be said to be free : Without Reason it cannot be a free Agent, and, without such Result, it's Actions would not be it's own ; they would be the Actions of a Part, not of the Whole.

There never was, upon the Face of the Earth, a Multitude of People got together, but that, tho' they could not reason, yet they immediately felt their natural Incapacity to will or act ; from this Sensation therefore * Nature hath ever taught the Multitude, the Many, to conspire in this one Thing, Obedience to the Will of the Few, who could reason for them : This Experience hath confirmed, and Reason regulated and established. † Hence in all ancient Polities we find

* In *Athens*, at the very Time, when the factious Populace were breaking up the Senate, and had resolv'd to have no such Order in their State, they found it absolutely necessary to establish such a one amongst themselves : Αρχή την Πειθοβολίγην επίσθαι, οἵτις πιὸ τὸν παρόλων, ὡς ἀναγέτε ή, προσβιδάνουσι. Thucyd. Lib. 8. §. 1.

† There would be no End of referring to particular Instances to this Point ; but I will insert here one very singular one, viz. the *Rhetra*, or Oracle of *Lycurgus*, receiv'd at *Delphi*, directing

find the Legislative Power divided into Reason and Will, Debate and Result, and the Counsel, the Reason in the *Boule* or Senate; the Result in the People, or that Part of the People, where the executive Power resided. This Establishment then of a Part reasoning for the Whole is founded, not in any artificial Institution, not in any temporary or local Reasons of Expediency, but in the Law of Nature extending uniformly and adequately to all Times and all States.

Now, as that State, whereby an Agent has within itself a Power to act according to the Relations of the Nature of such Agent, is Liberty: As, in Man, the having within himself a Power to act, according to his own Reason, is Liberty: So is it the very Spirit of Liberty, in this Body, to have got, thus fram'd within itself, a Capacity to act according to the Relations of it's Nature and Institution. To be free, it must reason; and, to reason, it must take this Form, whereby it becomes capable of Reason. To be free, it must have a Power to move or act, as of itself; and, to act as of itself, it must become one, so united, and so framed, as to be capable within itself of communicating to all the several Individuals, within their respective Orbs, any one Motion of the Whole. To be free, it must be capable of forming a Will; and to have a Will, which shall be the Will of the Whole, it must be so framed and united, that that Will may have an authoritative Communication thro' the Whole. This is the true and only Liberty, a Liberty of Law and Reason: Liberty without Law is a Slavery to itself, without Reason is Madness.

reflecting the Institution of the Spartan Government:—Διὸς Σοτηλίον καὶ Ἀθωναῖς Συλλαγίαις οὐρανὸν ιδεύειν· φυλαὶς φυλακαῖσιν καὶ σέναις σεβάζεισιν, τριάκοντα Γερουσίαι σὺν αρχαγύραις, παῖσιν ποιεῖσιν, εἰς ὅρας απολλαγῆιν μεταξὺ Βασύκας τι καὶ Κρακίσιον· μάτις εἰσφέρειν τι καὶ αἱρέσασθαι γαμοῦσιν, γοργᾶς καὶ μὲν καὶ κράτος: That is, Let the Senate debate and prepare the Business, which let the Kings propose to the People, and let the People (where resides the Power of the Government) enact or disannul such Decrees. Nay, where the great God Jehovah managed this Matter of Counsel and Debate for the People of the Jewish Republic, he left the Result to the People, and all the People answered with one Voice, and said: *All the Words, which the Lord hath said, will we do.* Exod. Chap. xxiv.. v. 24.

The Institution of this Power is of the highest Sanction, by the Law of Nature, and of God ; it is of the highest Authority, as all Power so constituted is of that Law, and that Lawgiver. If therefore there be any Reverence, any Piety, Obedience, Faith, Honour, 'tis all due to this Majesty of the People ; by this the People, as a State, live, move, and have their Being.

How absurd then, and how wide of the Scope of true Liberty, are those Maxims of constitutional Jealousies, Checks, Oppositions, of the Independency of the Powers of Government ? For on the Union, Harmony, and Dependency alone of these, is built true and real Liberty. But in like Manner as it is with the Individual, when the Passions inflame or bewitch the Heart ; any false Reasoning or Caprice takes Mastery of the Head ; Reason is no longer heard, it's Law is thought the Restraint of Servitude, 'tis the mere Cozenage of Artifice that would persuade one to listen to it ; it becomes then the Spirit of Liberty to strike the bold and free Lines of Genius ; the Violence of every Passion becomes the Spirit of Liberty ; and every Caprice, every Folly, Taste ; till, hurried headlong thro' a giddy Round of Joys, without Time to enjoy them, fluttered and dissipated 'midst a Thousand numberless Pleasures, without being able to fix the Satisfaction of the Heart on one ; he at length finds himself chained, miserably and wretchedly tortured, in the worst of Slavery, the inextricable Bonds of the Habits of Vice and Self-corruption. So is it in a State when to disavow the Feelings of Truth, Virtue, Honour, to be dead to every private, every public Affection, is dignified with the self-flattering Title of a Knowledge of the World : When the Laws so lose their Sanction, that no Sanction can be found sufficient to enforce the Execution of them : When the Licence is called Liberty ; and every Caprice and Violence of the People, the Exertion of that Liberty : * " When the People, impatient of bearing that very

* L'Esprit de Loix.

" Power

" Power they have entrusted, want to do every Thing of themselves,
 " to debate for the Senate, to execute for the Magistrate, and to strip
 " the Judges : When the Magistrates cease to be revered, when the
 " Senators cease to be venerable and become despised, when their De-
 " liberations are slighted, there is no longer Order, Government,
 " Liberty ; but, as they end, arise Anarchy, Slavery, and tumultuous
 " Tyranny."

But this is a disagreeable Train of Ideas, and my Head aches already with Dogmatizing.—Come, let us take a Ride into the Grounds for an Hour or so, perhaps we may meet with some Diversification.

Q. Scæv. As is most agreeable to you.—I'm sure we are greatly obliged to you for the Trouble you have given yourself. But I hope, nay, I know you will excuse me, if at the same Time I tell you, what Satisfaction I receive in seeing * Liberty and Empire united : In seeing the System of Government animated, and acting with all the Spirit of Liberty, yet arising by the Vigour of natural Principles, not from the Will of Man, an artificial Form ; but from the eternal Laws of Nature and God, an actual natural System : - If at the same Time that, seeing this, I have the Pleasure to find all my Objections to your Principles, as they respect the Empire of the State, as they respect political Liberty, the Liberty of the State, removed : I hope you will excuse me, if I don't enter far enough into the Consequences of your Scheme, to see how that absolute Right that the Government has to the Persons of it's natural born Subjects, how that indispensable Connexion, by which the Subject is (as you say) united to the Government, are consistent with that natural Liberty and Independence, which the Writers on your Principles suppose, when they say, " † That a Man is born a Subject of no Country or Govern-

* Res olim insociabiles miscuerunt, Imperium & Libertatem. *Tacit. Annal.*

† *Locke on Gov. Treatise 2. §. 118, and 73.*

ment whatever : " " That every Man's Children, being by Nature as
 " free as himself, or any of his Ancestors ever were, may, whilst they
 " are in that Freedom, choose what Society they will join them-
 " selves to, what Commonwealth they will put themselves under."

L. Craff. I have here some Papers that do carry these Considerations further, and endeavour to explain the Relation there is between the Government and the Subject, and more particularly as to this Point.— But let us talk of these Matters another Time. — I will here put the Papers in my Pocket-Book, and you may call for them any Time when Leisure and Humour suits, but, at present, I think a little Airing would be more agreeable.



PRINCIPLES



PRINCIPLES OF POLITY.

P A R T . III.

SAUNTERING one Evening about the Garden, we at last seated ourselves in the Summer-house, which, as the House and Gardens stood on the Scite of an old Castle, was made out of the Remains of a Tower, and fitted up so justly in the Spirit of the Place, that it made one of the most charming Pleasure-rooms I ever saw. The Indulgence of Latitude and Indolence created a silent Musing for some Time—at length.—I do not, said Scævola, merely enjoy this Retirement and quiet Re-

pose from the present delightful Circumstances of the Place and Scene, but the Reflection that it was once a Garrison; these Walks of Peace, once Lines and Intrenchments of War; that the Place, where all this Comfort and Enjoyment dwells, was once a vexatious Scene of Fatigue and military Servitude; the Remembrance that makes this Contrast, gives a peculiar Relish to the Enjoyment, and makes, what might be only pleasurable, Happiness itself in the Comparison. And indeed, how much happier are we now, than in those old Times, (which, from an Affectation of admiring the Heroism of them, are ever extoll'd) when every House was a Castle, and every Family a Garrison; when, tho' the State was secure from the Fear of external Violence, yet the Individual felt all those Fears, unless fortify'd with these Works; and might suffer all those Violences, unless intrench'd within such Defences? How much happier are we now, that the Law is that sufficient Barrier to every Man's Peace and Property; and, tho' his House be his Castle, 'tis no Garrison, and knows no Laws but those of Society and Hospitality?

Altho' I do from my Conscience venerate the sacred Powers and Majesty of Government, yet have I so establish'd a Persuasion that there are some Liberties, some Rights, so peculiarly the Individual's own, that no Government can have any Right to extend itself over, or have any Claim upon them; and, where Governments are such as to interfere with them, I think such Governments worse than none.

But this was the Point which you promis'd more particularly to consider in your further Explanation of the Empire of Government, which Promise, as you have the Papers in your Pocket, I hope you will give us Leave to demand of you. For tho', contained by, in what you read to us the other Morning, you have so explain'd the Communion of Society, and the Empire of Government so, as to establish the Safety and Majesty of that Empire, consistent with the Liberty of Man in general: Yet where that Point may be fix'd that precisely determines the Powers and Claims which the Government

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may have over the Individual in particular, and how far his Rights and Liberties, as such, may extend, doth still remain Matter of Doubt with me, and, I wish, may not continue with others, as it hath hitherto always been, a Point of Controversy.

L. Crass. In Points of Learning, which are the Amusements of the idle Ingenious, what are controverted, and what not, and which Way the Fashion runs to determine them, is not of much Moment: But 'tis strange and 'tis pitiable, that Truth should be so far removed from Busines, and the active Part of Life, where it's Consequences are of such Import to the Interest or Ruin of the Community, to the Happiness or Misery of Mankind. But sure Experience will at length teach them, after they have been tried in every Extream of Error and Misery; after they have felt on one Hand the heavy Rods and Chains of Slavery, and on the other the Tumults, Wars, Massacres, of unregulated Liberty; Experience sure will not only let them see, but feel, that happy Medium, where Truth, Liberty, and Happiness are only to be found.

How villainously for Ages here in this Isle, did the Servility of the Many conspire with the Ambition and Avarice of the Few to form an Idol-Power in Government, and then fall down and worship the Image they had set up? But as the History of Mankind, the bitter Experience of every Region and every Age, affords horrid and miserable Examples, how improper Man is to be trusted with Power; the Course of Things in this World (which is a School of Disciplin in Politics as well as Morality) hath led them into a *practical Knowledge* of the dangerous and destructive Tendency of such Polity. But Man, that knows no Mean, hath been the more violently carried into the oppofite Extream. And not only Liberty from Oppression and false Dominion, but Independency of all the Orders, and Disconnexon from the Communion of the Empire of Government, is what is now call'd Liberty. Not only Power unconstitutional

tionally framed; and illegally exercis'd, is opposed, but the very Empire and Majesty of Government; and, as (saith a great * Historian) whatever now is opposite to Power is become popular, the only Patriotism is to oppose all Power indiscriminately. Nor hath this been the Case in the Hurry of Practice only, but the Writers too on the Side of Liberty have concurr'd to establish it in Reasoning too. For the Doctrine of an original Contract, which was devis'd to shew other Reasons for the Allegiance of Subjects to Government, than those on which the false Power of it's Tyranny was founded, while it hath been for many Years explain'd, demonstrated, analysed, treated, and essay'd on, hath so far separated the Ideas of Government, and the Liberty of the Individual, that, while such Spirit of Liberty remains, there can be no true Government; and, if there be Government, some of the very Essentials of this Liberty are destroy'd.

To reform and rectify these Ideas, to resolve this Theorem into its *original Principles as they arise from NATURE*, was the whole Purpose of my sitting down to examine them; and from such Examination to shew, how *in NATURE these Ideas are coincident and united*, was the whole Drift and Scope of those Papers, you made me read to you the other Morning. I will now go on, for it remains with me to shew, not only that Man may be connected and united to Government, and no Rights or Liberties of his infring'd; but by explaining further this Communion of Government, in those Points whence arise the Rights of Government, and Duty of the Subject; the Rights of the Subject, and Duty of Government; *how far*, by the Nature of that Communion, he is dependent and connected.

In the last Conversation we had upon these Matters it appeared to us, and I thought with Pleasure that I saw you acquiesc'd in those Appearances, that as the whole Extent of Creation is a one Whole, a one System; and Man a Part of that System: So from the

* Πᾶς δὲ τὸ ἀντικεῖμενον τῷ δυνατοῦσιν, Δῆμος ὑπόθεσται, καὶ αὐτὸν ἐκμεταρχεῖν οὐκ, ἢ Περισσεία τὸ πλεῖον.

Thucyd. Lib. 6. §. 89.

Nature of every Thing and Creature in that System, from the Nature of Man, that a *State of Communion was the natural State of Man.* And that as it is *in general* a Law of Nature, rising to her Perfection thro' a progressive Series of States more and more perfect; that the former State creates those Wants, and feels those Defects, which nothing but the next succeeding State can supply, and that Nature, by the Vigour of her own Principles, and by the Means of those very Imperfections and Corruptions of the former State, arises to the next which fulfils and perfects them: So *in this Particular* that, the Communion in the first Stage of it being in a natural Incapacity of actuating in common that one Spirit by which alone it can subsist, Government which is such an Organization, as renders it thus capable, becomes thence necessary, and those Imperfections and Corruptions of the Communion are the very Means and Cause by which, from the Vigour of its own natural Principles, it acquires that Form. That therefore *Government is no ARTIFICIAL SYSTEM, no Successaneum* of positive Institution; but, prior to all such, is *AN ACTUAL NATURAL STATE of the System of Man,* rising in its Progression nearer to the Perfection and Fulfilling of its Nature. And consequently that *Man is connected with a State of Government* by the Nature and Laws of that System in which he exists, by the Nature and Laws of his own Being.

So that altho' you do not, as you was pleased to say, see far enough into the Consequences of my Principles to conceive from what Reasons, and to what Degree, the Individual, consistent with his Liberty, is connected to any particular Government; or how such particular Government can have any Claim to his Allegiance, prior to any positive or implied Tender of that Allegiance: Yet you see from hence that it is so far from true, that "a Child is born a Subject of no Country or Government whatever," that a Child is born, by the very State of it's Nature, a Subject of some Country and Government or other.

If now it shall be said that a State of Government, formed on Principles as above, does not infringe any Rights or Liberties, or drown any Claim or Title he may virtually have to them : From the Consideration of the Nature of the Communion of such Government, it will appear, that whatever Government he is born under, of whatever Form it be, has a natural Claim to his Allegiance ; and he becomes *a natural-born Subject* to the *Imperium* of such.

First therefore to see what Rights and Claims he may have as a Man, prior to any supposed Connexions with Government ; let us consider the Nature and Laws of his Humanity, abstracted from the Consideration of his political Connexions. Here we find that all Men are born Equals, and upon equal Terms : That every one in his own private personal Character is free and independent of any other Person whatever, considered in *his* private Character ; that no Man can have any Right of Dominion over the Person of another ; that no one can have any Claim upon another that is not mutual, or that is destructive of any of those original Rights ; that every Individual has a Right to enjoy what Property he can, not interfering with another's Right ; that he is accountable to none ; that he has no Judge but himself, no Rule but the Law of his own Nature : And hath the Execution of that, every one in his own Hands.

But, as Things now are, Mankind are formed into Societies and Governments ; have divided themselves into divers Orders and Subordinations ; where the Individual is, as it were, melted down into that *mixt Person*, the Member of a Community ; where those, who before were free, equal, and independent, are now free only in certain and defin'd Degrees ; are subordinate to, and connected with one another ; and under the Direction of one common Law, and one Executor of that Law common to all : Where all Property likewise is annex'd to the Community, and inseparably connected with it. As Things now are, I say, a Man cannot be born and exist in that State of Equality and Independency from even political Connexions, unless you
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can suppose Men grown up ready furnished and supplied for all the Purposes of their Being, *seges clypeata Virorum*; or that the Individual may be thrown like *Vulcan*, ready born and bred, from some other World, into some *Lemnos* in this; for, as the ordinary Course of the World now is, he must be born an helpless Infant, of Parents that are already Subjects of some Government, and must be bred by them, while they enjoy that very Power of educating him, under the Protection and Communion of such Government. Nay, even this apart,

" * He can no otherwise increase, or subsist, than in that social Inter-course and Community which is his natural State." He can have no Right to the very Means of Subsistence; for, as all Lands and Properties are connected with some Community or other, he can have no Claim upon the Things of this World; he can have no Right to them; no Labour can make them his, no Laws give him a Title to use them: They are already occupied, and the Seizing them would be Robbery. + " Whoever therefore from thenceforth by Inheritance, Purchase, or Permission, or otherwise, enjoys any Part of the Land so annex'd, must take it with the Conditions it is under, that is, of submitting to the Government of the Common-wealth."

He cannot even be considered to be born with those Liberties that a State of Nature (as 'tis call'd) supposes, because no one can have a Right to enjoy any Thing whatever in a Manner superior to that, in which the rest of his Fellow-Creatures, equal by Nature, cannot enjoy it; he can have no Right to the Execution of the Law of Nature (even tho' he hath not given up his Right) while the rest of Mankind have no such Right; he cannot exert his full Powers and Capacities, not even for the Support of himself, while the rest of Mankind are abridg'd of Part of their Power, and capacitated to act

* Lord Shaftesbury's Moralists, Part 2. § 4.

+ Lock of Government. Treat. 2d. § 120.

only in certain and defin'd Degrees: * If he could have any such Right to refer to the Law of Nature as the Canon of his Actions, while the rest of Mankind must be judged by those Laws, to which by Government they are subjected, then the Man who is professedly equal with the rest of his Fellow-Creatures, is himself a Nation (*Urbis instar*) while the rest of Mankind are only Subjects of the same like Body: And every Malefactor, if he cannot be proved a Denizon by his own Consent, is to be treated with, by the same Solemnity and Laws, as a Nation in a fair State of War, and may be saved from the Gibbet by a solemn Treaty of Peace.

Whatever Rights or Liberties therefore may be supposed, when Man's Nature is considered as abstracted from the Community: There is *nothing in the actual State* of his Nature, to which he having a Claim can exempt him from the Claim Government may have on *him*; for by such Claim there are no Rights that he is capable of enjoying diminished, no Liberty infringed; therefore all that can be meant by

* Hence all wise Nations have agreed in censuring the Practice of Duelling as a Crime of very high Offence. In it's own Nature, as it is the Instrument of Revenge even unto Blood, it is of the soulest blackest Dye; as it robs the Community of a Subject, it is a direct Act of War against the State: As it assumes into it's own Hands the Execution of that Law which the Community hath entrusted to the public Minister and common Arbitrator, it directly acts in Defiance of all Justice, to the Breach of all Order, the Destruction of all Government, and the total Subversion of the State as a Community. — Yet as, according to * Mr. Selden and Demosthenes, there may be Injuries which the Government does not, or perhaps cannot, take Cognizance of: And as, in some Cases, where it is absolutely impossible to appeal to the executive Power, it is allowed to award off such Attacks, and to repel Force by Force, even to the Death of the Person who makes the Attack: Could the Eye of the Law see in any Shape those Injuries, as such Attacks, it might be induced to consider the Awarding off, and Repelling of them, in some such pardonable Interpretation, that those Laws, which were meant to relieve the Oppressed, might not distress the Sufferer. But perhaps it is impossible, in the Nature of Government, it should so consider them. Be this as it may, this, however, amongst every other Instance that can be brought, is a Proof that the Protection due from Government is not that of the personal Interest of the Individual, but the common one of the Community.

* Selden's *Duello. His Table-Talk.*
Demosthenes contra Midiam.

referring to this supposed State of Nature, is, that all Men have a virtual Claim to that Equality and Independency which it supposes: And, in Case of any usurp'd Power or Dominion, have a Right to put in this Claim. Tho' *in Fact* he cannot enjoy all those Rights and Liberties of a State of Nature, yet he hath them all *in Power*, to secure and protect him from false Dominion and Tyranny.

As we see then he cannot refuse to submit to this Claim of the Government, let us see on what Grounds it makes such Claim, and how far it extends.

We have seen that the Community is not only a one Whole, but a one Individual: And that, as such, it hath a distinct Interest, distinct from the several respective Interests of the Constituents; and that, as this Communion is the creating Cause of Society, the Preservation and Protection of this Interest is the End of Government. That there may be other adventitious, collateral, and coinciding Goods arising from Government, but that this is the precise ultimate Good or End, without which Government neither would nor could be. This Interest in it's enlarged cultivated State may and ought to be maintained and protected by the Government, in all its Branches, in all it's Consequences. But (if, to determine precisely what I mean, I may be allowed to borrow an Expression from the Mathematicians) that *nascent State* of it where Government begins, that *evanescing Point* where it would end, that simple Existence of it which is the Foundation of Government, and without which Government would not be, is the precise End of Government. This State, this Point, is the *Organization and Union of the Community*. By this every Individual that exists, or shall arise, * within this Communion, is a Part of it

* Observe, 'tis said—within the Communion—not within the Jurisdiction. All that are born within the Communion, are born within the Jurisdiction; but not *vice versa*. For a Person belonging to a foreign Communion may be born within this Jurisdiction. And Children of natural-born Subjects, tho' born abroad under foreign Jurisdiction, are not only by the Laws of the Realm, but of Nature, natural-born Subjects.

as one Whole, a Member of it as one organiz'd Whole ; and is therefore by Nature and Right indispensably and indissolubly connected with it, so long as that particular Union and Organization shall continue.

Hence every Government, form'd on Principles as above, hath a Right over those Individuals that compose it, and are express and actual Members of it ; hath a Right to connect them so intirely and inseparably under the Empire of it's Government, that they can never more withdraw themselves from the Allegiance they owe to it.

And not this only, but the Communion which connects the Persons of the present Age, under the same Interest, into the same Government, as naturally connects the succeeding Persons of a future, by the same, into the same Government : And, as it is the creating Cause of Society amongst the present living Constituents, so will it be a perpetual Bond and Cement to all those who shall be born under the same Interest.

Again, If we consider Governments as founded on Nature, not on Will ; on the *eternal* Reasons of Truth, not on the *temporary* ones of Expediency and Utility : As founded on, and being, *the State of the Nature of Man* ; we shall see that the Cause from whence they arose, the Laws on which they are form'd, remain constant and perpetual : * And that they should be by Nature and Right so constituted as to be eternal. While the Laws, like the vital Spirit in Man, become an immortal living Spirit that animates the Whole, and, amidst the Flux and Changes of Mortality, † connects the vague and fluctuating Parts, unites them into one Body, and continues it Age after Age one living Whole. And as it is this Spirit of the Government that vitally unites all these Parts that arise within the Community of

* Debet enim constituta sic esse Civitas, ut æterna sit, itaque nullus Interitus est Reipub. naturalis, aut Hominis. Cicero de Repub. Lib. 3. Fragment ex D. August.

† —— Τὸν φρεγομένων, τὸν δὲ γραμμένων, ὅποις καὶ πολίτης εἰδάμενος λέγειν, τὸν αὐτὸν, καὶ εργασας τὰς αὐτὰς. Arist. de Repub. Lib. 3. cap. 3.

it ;

it ; where that Spirit is, it must have a Right, nay, it becomes it's Duty, to connect and subject them to it's Laws.

. It will not only consider * the Number of the present Constituents, as the Strength, the Riches, the very Life of the Community ; but it will find as strong an Impulse, as just a Right, as strict a Duty incumbent on it, to provide for † the Continuance of this Strength, and Life, and Union of its succeeding Parts, ‡ as Man in his Nature to preserve the Union of his Spirit and Body.

But if on the Contrary we say, that the Laws of a Government can regard only the present Constituents, and can connect only *them* to it's Empire ; such Government is in it's own Nature unfit and incapable to obtain those Ends for which all Governments are form'd. As, first, not answering the Purposes of Communion and Protection ; for, while many of the good and profitable Subjects, who have done all the Service of the State, are dead and gone, and others thro' Age

* Illius subdita Ditioni fore arbitrantes.—for thus *Cassiodorus* translates this Passage of *Socrates*, the Historian, οὐαὶ δὲ οἱ παλαιοί Ρωμαῖοι πολυάρχεσσιν ἀποθανεῖσι τὸν Ρώμην τὸν Υπέκουον οἰκουμενός —

† Hæc Sobolet fuit Domi perpetuo succrescens, & in locum decedentium novos Civis Indigenas Civitati sufficiens. *Descriptio Reip. Atben.* p. 97. *Ubbo Emm.*

‡ From this Principle, and with this Right, many wise Nations have, when it became necessary, made positive Institutions to this End,— τινὲς αὖτε πεντετοντος Σοῦτον αὐτὸν Νομοθέτην ; (says *Plato*) δέ τοι, κατὰ φύσιν, τὴν παγὶ Γενομένων, αἰχνήν πρότερον Παλλαῖον ; [de Leg. lib. 4. p. 720. Edit. *Serrani*.] And thus *J. Gotfred*— Non præmis modo Cælibes ad capessenda matrimonia, Orbique ad Sobolem procreandam, replelandamque Liberis Rempublicam invitari hac Lege Papia ; verum et, proposito Pœnarum metu, ad id coacti fuere.—See too *M. Vetr. Maurus* reasoning upon the Words [Fœcunditatis Privilgium].—Publicæ vero Fœcunditatis Privilgium dicitur, quod ob Sobolem procreatam Parentibus utriusque sexū, Reipub. charis, &c, ut aiunt, Cæsares (L. deportato 8. L. Si aliquis 9. C. Th. de Bon. proscript.) gratiosis, concessum fuisse legimus. Nihil enim ducunt Republicæ melius, nihil habent antiquius aut gratius, nihil Civitates honoratius, quam ut populo frequentatius, repleant sedes Ordinum, & augeant Imperium hominibus liberis.—quo magis in orbe Romano ad Matrimonia proruerent singuli Cives, & ad Sobolem procreandam excitarentur, fuere inter veteres constitutæ leges, honores & onerum imputunitatem parentibus proliferis, qui Republicas fœcundarent, concedentes. *De Jure Liberorum*, cap. 1. — But to what End would all this be, had not the Government a Right to the Allegiance of those born within its Communion ? Where it meant to provide for it's Security and Safety, it would be industriously promoting and providing for a Race of Vagabonds and Rebels.

and the Chances of Life grown infirm and feeble, where must this poor tottering State look for Assistance? For any Succour or Defence it can require, it must be inevitably lost. And a Society of this Kind, instead of preserving it's Community and protecting it's Constituents, must bring a Sett of People together to their utter Ruin.

It is, in the next Place, incapable to promote and finish such great Works of Time as are necessary to the Service and Preservation of the Body politic: It could not undertake the Cultivation and Improvement of it's Lands, which seldom make their equivalent Returns to the present Age; this then would be only Labouring for succeeding Governments, at the Expence, and to the Detriment of the present. Those Manufactures which employ many Hands, and require Length of Time to ripen them to their Perfection, must be the inevitable Ruin of such a State, and yet are necessary to the Preservation of it. In a Word, the Communion, on which Government is founded, is not confin'd to this Age, this Generation that shall pass away; and therefore the Policies of Governments neither are, nor can be so confin'd, but must extend to wheresoever this extends.

Again, If we consider Governments, as their *Dissolution* and Hurt may arise from *external Violence*, we shall find that the Imperatorial Power (that Power by which the State hath a Right to form itself into a military Force) gives the Government a constant and indispensable Claim upon the Person and Service of the Subject, and becomes a further Tie and Obligation on his Allegiance.

States, in their Actions and Reasonings towards each other, must be consider'd as distinct *Persons* and independent; and these Persons, in Respect of each other, are in, what is called, a State of Nature; are equal in the Rights and Claims each may have upon the other: Each hath a Right to defend and support itself: There then can be no Law betwixt them but this Law of Nature; and each, as it stands related to the rest, hath the Execution of this Law in it's own Hands; there can be no Judge in Matters of Dispute and different Claims; there

there can be no Appeal but to Heaven ; and, in that good Confidence, the last Resource must be to Arms ; and superior Force, or the Fortune of War, determine them. Thus Society cannot in it's Nature propose to secure Man from the Hazard of War. The whole Body politic, as a one Person, is no more free from the Danger of external Violence, than a private Person. There is therefore nothing in Nature, to which he having a Claim, can exempt him from the Claim the Government has to his Person and Service, in the Support and Defence of itself against external Violence. It hath therefore such a Right, and it becomes it's Duty to make this Claim : It becomes it's Duty to unite and arm it's Force. Hence ariseth a Reason, even tho' there were no Reason in the civil Part of the State, whence we could say a Man is born a Subject ; hence ariseth a Reason why the Subject cannot be independent of the Government and State, and at Liberty to separate himself from the Communion under which he is born. And we shall see, tho' at first Glance it may appear a Paradox, that in all free States, where this Imperatorial Power reach'd to every Individual, this Claim was asserted with the most exact and rigid Exertion.

This is not a mere *speculative* Truth, but an *actual* and uncontested Maxim of all Polity. There never was any State, of what Form or Spirit soever, but had this Claim ; and we see the actual Exercise of it in the *Census*, as it was universally practised, tho' differently in different Nations.

In *Britain* here every Father was oblig'd to bring his Son, at the Age of twelve Years according to * some, according to † others at the Age of Fourteen, to the *County* ‡ Court, or || *Sbrieves Torn*, to swear Fealty to the State and King. Tho' this may seem to be first

* *Bretton.*

† *Braeton.*

‡ *Mirror of Justice, Chap. 1. § 17.*

|| *Leges Ed. Conf. in Lat. vers. per Lambard. fol. 135.*

instituted by *Alfred*, and continued by Statute Law down to *Edward the First*; yet was it the common Law and Custom of the Realm, long before any written Institutions were at all. And we may see the Reason, as well as Origin, of this Custom amongst the Ancestors of this and every other Kingdom of Northern *Europe*. With them, * when a Youth became capable of bearing Arms, he was, by some of the Magistrates, or by his Father, or Guardian, presented in the *Falcmote*, and, if approved, was arm'd with a Spear and Shield; from hence he commences a Member of the Republic, whereas before he was consider'd as an Appendage to his Father's Family.

Hence, says *Bacon*, [on *Government*, Part I. Chap. 54.] "All the Inhabitants of this Kingdom held their Estates under a *general Service*, which by common Right they were bound to perform, in Time of Danger, to join in Defence of their Country. This is the common Fealty all Men owe, and which, if refused, renders the Party guilty of Treason against his Country, and his Estate under the Penalty of Forfeiture." The Feudal Tenures were only subordinate to this, and declarative of the particular Manner in which, and the particular Person under whom, this Service was to be perform'd.

It would be endless, and, I hope, needless, to shew, thro' all the free States of *Greece*, that the Government did not only call together all it's actual Subjects, but also enroll'd every Soul born within it's Communion, and muster'd him, as one of whom, when it was necessary, it should demand his Person and Service. But there is a Case in the History of *Attbens*, (where this Right and Claim was tried) so directly to the Point, that I will refer to it.

* *Arma sumere non ante cuiquam moris, quam civitas suffectorum probaverit. Tum in ipso concilio vel principum aliquis, vel pater, vel propinquus scuto frameaque juvenem ornat. Hæc apud illos togo, hic primus juventæ honos: ante hoc domus pars videntur, mox Reipublicæ. Tacitus de Mor. Germ. 1. §. 13.*

After the *Athenians* were routed at *Chæronea* by *Philip*, being in great Conternation and Fear for the City itself *, they decreed, That all their Subjects should come within the City ; and that a military Force should be immediately formed for its Defence. *Leocrates*, in Defiance of this particular Decree, and the Laws of his Country, withdrew himself and all his Effects, and went to *Rhodes*. Upon his Return some Time after, *Lycurgus* accuses him of High Treason. *Leocrates* confesses the Fact, but denies the Crime : Therefore the whole Pleading is to prove the Crime. The Plea is founded on the fundamental Law or Constitution of the Government, and he is prov'd a Traytor, because he did not assist the Government, but withdrew from his Allegiance and it's Service, and deserted the Community. “ What Punishment (says the † Orator) could the Laws “ exact for such execrable Crimes ? What can he suffer equal to his “ Merits, who deserts his Country ? leaves defenceless it's holy Sanc- “ tuaries ; prophaneley forsakes his Father's Tombs ; and gives up the “ whole Community betray'd to it's Enemies ? That greatest but last “ Stroke of Punishment, Death, is righteously due to such Crimes, “ but very far unequal to such exquisite Villainy.”

There is an Instance in the *Roman History*, which so precisely determines the Sentiments of the State in this Point, that I cannot pass it by ; especially as the Determinations of that Government have been received as legal Precedents throughout the whole World. *Rome* being sack'd and laid in Ashes by the *Gauls*, several of the *Romans*, their House and Home being lost, withdrew from *Rome*, and settled at *Veii*. But the State thought it necessary that they should return ;

* — οὐντισατο δὲ Δῆμος παιδες μὴ καὶ γυναικες ἐκ τῶν αἰγαῖς εἰς τὰ τύχην καταχωρίζειν, τῷ
Δε Στρατηγὸς τάξιν εἰς τας φυλακας τῶν Ἀθηναίων. Lycurgi Orat. § 5.

† Sect. 3.

publish'd a Proclamation ordering them to return forthwith : * There arose at first a great Murmuring of those who thought the Empire had no such Claim upon them : At length a Day being fix'd, and an Attainder on every Person that did not return by that Day ; from all universally disdaining the Order, every Particular, thro' his private Fear, became obedient to it.

See too with what Severity they required their Service. Those, saith † *Menander*, who, being called, did not present themselves to the Muster, were formerly reduced to Slavery as Traytors to the State ; but the Establishment of the Militia receiving some Alteration, being of late compleated by Volunteers, the capital Punishment was remitted. A Father, who withdraws his Son from the Muster, if in Time of War, suffer'd a very high Fine, and was banish'd : If in Time of Peace, was adjudg'd to the *Bastinado* ; and the Youth, even if he was afterwards forthcoming, lost his Rank.

Q. Scæv. —— It seems unfortunate, *Lucius*, that you should have thus chose the *Roman History* for the Illustration of your Position : For I think, from the Policy of this very Government, it appears, that a Man was at Liberty to withdraw from his Allegiance, might transfer it to any other Government which was willing to receive him, and that the Government disclaim'd all Right over him to the Contrary.

* Primo fremitus fuit aspernantium imperium, dies dejnde prostituta capitalique poena, qui non remigrasset Romam, ex ferocibus universis singulos, metu suo quemque, obedientes fecit. *Livius, lib. 6. §. 4.*

† *Arrius Menander de Ré Militari. Apud Digest. Lib. 49. Tit. 16. L. 4. §. 10, 11.*

Qui ad delectum olim non respondebant, ut proditores libertatis in servitutem redigebantur : sed mutato statu militiæ, recessum a capitis poena est ; quia plerumque voluntario militi [numeri] supplentur. — Qui filium suum subtrahit militiæ belli tempore, exilio & bonorum parte mulctandus est : si in pace, fustibus cædi jubetur ; & requisitus juvenis, vel a patre postea exhibitus, in deteriorem militiam dandus.

* In

¹ In the Case of a Criminal convicted of capital Offences, the Convict might withdraw himself, and undertake perpetual Exile. ² Any one who had been received into this City might return to his original Government, by which his Allegiance would be withdrawn from this; for by the *Roman Law* ³ he could not be under the Jurisdiction of two States at once, ⁴ because a Variance of Jurisdiction must necessarily create an inconsistent Distraction of Rights.

But, apart either of these Cases, we see the *Romans* reasoning from the common Rights and Liberties of Mankind, that a Man could not be subjected to any Power but by his own free Choice and Consent, and even that no longer than he should like the Terms of the Communion; but that ⁵ he might change his City, nor could be restrain'd this Liberty by any Laws whatever. * “ By our Law, saith *Cicero*, no one can be obliged to change his City against his Will; “ nor, if it be his Will, can he be prohibited from changing, if so “ be the City, whose Subject he desires to be, is willing to receive “ him.” + “ Let no one be obliged to remain a Citizen against his “ Will, for that every one should be absolute Lord of his own “ Rights, either to relinquish or retain them, is the surest Basis of “ our Liberty”— † “ Nor is this founded in any peculiar or particu-“ lar Right arising from any Faith or Treaty, but in the common “ Rights of Mankind.”

You see therefore that the Policy of the *Roman Government* allow'd, that Allegiance was of voluntary Compact, that it was trans-

¹ Sive exilio, sive postliminio, sive rejectione hujus civitatis. *Ciceron. Orat. pro L. Corn. Balbo, § 12.*

² Non possumus & hujus esse civitatis & cuiusvis præterea. *Ibid. § 12.*

³ Dissimilitudo enim civitatum varietatem juris habeat necesse est. *Ibid. § 13.*

⁴ Jure nostro neque mutare civitatem quisquam invitus potest, neque si velit mutare non potest; modo adsciscatur ab ea civitate cuius esse se civitatis velit. *Id. § 11.*

⁵ Neve in civitate maneat invitus, hac enim sunt firmissima fundamenta nostra Libertatis, sui quemque juris & retinendi & dimittendi esse dominum. *Id. § 13.*

[†] Hic totus locus disputationis pertinet ad commune jus mutandarum civitatum, nihil habet, quod sit proprium religionis ac foederum. *Id. §.*

ferrable, and reciprocal to the Protection given ; and reason'd thus, not from any the particular Spirit of their Government, or the positive created Rights of any Treaty, but from the common Principles of Liberty, and the Rights of Mankind.

L. Crass. You have endeavour'd to shew, as I apprehend your Argument, that, by the *Roman Constitution*, a Subject could not be inseparably connected to the *State* against his Will ; but was at Liberty at any Time to withdraw from his Allegiance to that State, and transfer it where he pleas'd ; as there was in the *Roman Policy* a free Liberty to every Citizen of changing his *City*. But take Notice, if I am not mistaken, that your Conclusion extends to Proving that the Protection and Communion any one enjoys, and by which he is united to the Empire of the State, is a Right absolutely and intirely in the Individual to relinquish or retain. Whereas the Premisses from whence this Conclusion is drawn, and the Matter of Fact on which it rests, reach only thus far, * that the particular and peculiar Rights or Privileges, annex'd to this or that City, were so the intire and perfect Right of the Individual, that *they* were wholly and absolutely in his own Disposal to relinquish or retain.

That the *Roman Government* never consider'd its Subjects at such Liberty, in Regard to the *State*, is beyond all Doubt, and I think never was question'd. The Instance I referr'd to of those whom the State recall'd from *Veii*, is incontestable. And in another Case, when some considerable Citizens, young Men, after the Defeat at *Cannæ*, were Authors and Leaders, to a great many, of a Design to desert the *Roman Empire*, *Scipio*, attended by *F. Maximus*, *L. Pub. Bibulus*, *Appius*, and a few others, with his Sword drawn, forc'd the Authors of this Counsel, every one in his own Person, to take an Oath, † that he neither would himself, nor suffer any Citizen to

* *Jus mutandarum Civitatum.* *Cic.* *ibid.*

† *Ex mei Animi sententia, ego Rempublicam Populi Romani non deseram, neque alium Civem Romanum deserere patiar. Si sciens fallo, tum me Jupiter Opt. Max. domum, familiam, remque meam, pessimo leto afficiat.* *Liv.* lib. 22. §. 53.

desert the *Roman Government*. Now if, according to your Reasoning, every *Roman Citizen* had an absolute and intire Right, nay if he had, in any Degree, such Right at all, to withdraw from his Country, and transfer his Allegiance to wheresoever he pleas'd, neither these four Great Men, nor the Government of *Rome*, which avow'd the Action, knew the Principles of their own Constitution, but in the most outrageous Manner acted in Violation of them. On the Contrary, says *Valerius Maximus*, * They not only themselves, in this Action, paid the most compleat and religious Duty to their Country, but restor'd and reviv'd the Sense of it dying in the Breasts of others.

That this Practice of changing the City did not extend to a Permission of the Subjects withdrawing from the *State*, appears from the very Principle it is founded on †. For they openly declare, that it was allow'd, in order to the Security and Safety of the Empire, by adopting and uniting the best Subjects, even of other States, into their Government ; ‡ and they claimed this Right with so high an Hand, that they would not even suffer the Governments, that thus lost their Subjects, to be Parties in the Act, nor consider'd their Consent as in the least necessary.

If, therefore, while they were sensible of the Right of a Government to claim the Allegiance of it's Subjects, from the Necessity of uniting and arming the Community, they, in the Plenitude of their Power, would go such unjustifiable Lengths as to rob other States of their Subjects : If it be absurd in itself, as || *Cicero* saith, to suppose,

* Pietatem non solum ipse plenissimam exhibuit, sed etiam ex pectoribus aliorum abe-
untem revocavit. *Lib. 5. cap. 6.*

† Si Imperatoribus nostris, si Senatui, si Populo Romano, non licebit, propositis præmis
elicere, ex Civitatibus Sociorum atque Amicorum, fortissimum atque optimum quemque, ad
subeunda pro salute nostrâ pericula ; summâ utilitate ac maximo sæpe prædio in periculis,
atque asperis temporibus, carendum erit. *Cic. pro Balb. §. 9.*

‡ De nostrâ Repub. de nostro Imperio, de nostris Bellis, de Victoria de Salute, Fundos
Populos fieri noluerunt. §. 8.

|| Absurda Res est caveri Fœdere, ut Majestatem Populi Romani communiter conservent :
id est, ut Populus Rom. suam Majestatem velit esse salvam. *Ibid. §. 16.*

the *Roman* People to require, in any Treaty, a Clause providing mutually for the Safety of the Majesty of the State, as that must be necessarily presuppos'd, prior to any positive Agreement whatever: While they assum'd, I say, a Right to unite the Subjects of others to *their* State: How much more absurd must it be to suppose that they would permit their own Subjects to transfer away their Allegiance, and become disunited? Especially as we have seen them claiming this Allegiance with such rigid Severity; as we see the Subjects so exactly enroll'd and muster'd; their Service so strictly requir'd; * and he guilty of Treason who deserts not only the Army but the Empire of the State.

This Practice therefore did not extend to a Liberty of withdrawing from the State. How far it did extend, I am not able precisely to say; but, if you will admit of a Conjecture, I would almost venture to say, that it extended no farther than the Majesty, the Empire, of the *Roman* State was suppos'd to extend; and that whosoever withdrew and transferr'd his Allegiance to any Place beyond these Limits, acted against his Allegiance to his Country.

In those Rights which the *Roman* People asserted, and in those Claims they made touching the Dignity, Safety, and Support of their Majesty and Empire, they suppos'd it to reach not only over the actual Dominions of the *Roman* State, but to extend to all States with whom they were any way foederate or in Alliance. Of the foederate Nations, *Cicero* says expressly, that they owed Fealty to the *Roman* Empire. † Let them faithfully support the Majesty of the *Roman* People. Which is ‡ an Expression, not of Desire, but Command. This he saith was not actually a Clause in all foederate Treaties, but was

* Majestatis Crimen est illud quod adversus Populum Romanum vel adversus Securitatem eius committitur—quo tenetur is—qui Imperium Exercitumve Populi Romani deseruerit. Digest. Lib. 38. Tit. 4. Lib. 1. & 3.

† Majestatem Populi Rom. comiter conservanto. Cic. ibid. §. 16.

—nde nostra Majestate nihil de illorum caveretur. §. 16.

—nihil genus hoc Conservandi — imperantis est non precantis. §. 16.

always

always actually claimed of every foederate Nation, not as a Favour, but as a Right.

That something of this Nature (namely, a Supposition that the Empire of every Nation, any how connected with them, was subordinate to their Empire) extended likewise over those Nations that were merely in Friendship and Alliance, not foederate, appears to my Apprehension from hence: As they always suppos'd a Subject to have lost all his Rights of a Citizen, and to be lost to the State, when he was withdrawn beyond the Limits of the Empire; * so they allow'd him to recover those Rights, and to be restor'd to the State, whenever he was got within the Borders of any of their Allies. Which was understood † as being within the Jurisdiction of the Empire of the State; and that he was not suppos'd to be thus recover'd to the State, till he was within its Empire, appears by a Parity of Reasoning in the same Passage, in the Case of the Dominion of a Master over his Servant, who was not said to be recover'd to his Master, till he was under his Dominion. If therefore the Subject was not restor'd to his Rights and Allegiance, till he was within the Empire of the *Roman* State; and he was said to be so restor'd, and to have begun to be within this Empire, when he had got within the Confines of any allied State: The Jurisdiction of the Empire, and Majesty of the *Roman* People, extended in some Degree over the Dominions of such State. The Liberty therefore of a Man's transferring himself to any City, in either of these Cases, was consistent with that Allegiance which the State requir'd.

* Tunc autem Reversus intelligitur, si aut ad Amicos nostros perveniat, aut intra Praesidia nostra esse coepit. *Pomponius apud Digest.* Lib. 49. Tit. 15. Lib. 3. §. 3.

— Si in Civitatem Sociam Amicamve, aut ad Regem Socium Amicumve venerit, statim Postliminio rediisse videtur, quia ibi primum nomine publico tutus esse incipiat. *Pausa apud Digest.* lib. 19. §. 3.

† — Si aufugit ab Hostibus & intra Fines Imperii nostri esse coepit, postliminio rediisse existimandum est.—Imo cum Servus Civis nostri ab Hostibus captus, inde aufugit, & vel Roma ita est, ut neque in Domini sui potestate sit, neque ulli serviat, nondum postliminio rediisse existimandum est. *Id. ibid. lib. 30.*

This Liberty, you'll say, was not confin'd to these Cases, but was absolute and indefinite. Possibly, in Time of Peace, it might be so, and the State receive no Detriment; but in Time of War, whatever Subject was in the Dominion of a State at Enmity, or in no Alliance with *Rome*, and did not, as soon as it was in his Power, return to his Country, was cut off from the State and all his Rights in it; * or being within the Dominions of his own Country, and withdrew from it, and transferr'd himself to any State in Enmity, or with which his Country had no Alliance, was deem'd a Deserter and Betrayer of his Country. And for this Reason the † *Roman* Soldiers, that were in the *Carthaginian* Service, chose rather to die miserably, setting Fire to the Citadel, and perishing in the Flames, than to deliver themselves over to the Laws of their Country, and the offended Majesty of their Republic.

This Liberty then in the Subject, as far as respected the *Roman* Empire, was merely a Privilege of becoming a Citizen of this or that City. And altho', as seem'd above, the State could receive no Detriment in the Exercise of it, ‡ yet, leasf the City should, they clogg'd the Practice of it in a *Roman* Citizen, with the Penalty of losing all the Rights and Privileges of the City of *Rome*; and determin'd it as Law, that a Citizen of *Rome* could not be a Citizen of *Rome* and any other City at the same Time; || tho' they held in general, that a Denizon of any other City might be receiv'd into the Freedom, and

* Transfugæ nullum Postliminium est: nam qui malo consilio & proditoris animo Patriam reliquit, hostium numero habendus est. *Paulus. apud Digest.* Lib. 49. Tit. 15. Lib. 19. §. 4.

Transfuga autem non is solus accipiens est, qui aut ad Hostes, aut in Bello transfugit: sed et qui per induciam tempus, aut ad eos cum quibus nulla Amicitia est. *Id. ibid.* §. 8.

† *Polybius*, lib. 1.

‡ Duarum Civitatum Civis esse nostro Jure Civili nemo potest: non esse hujus Civitatis Civis, qui se alii Civitati dicarit, potest. *Cicero*, *ibid.* §. 11.

|| Atqui cæteræ Civitates omnes non dubitarent nostros recipere in suas Civitates, si idem nos Juris haberemus, quod cæteri. Sed nos non possumus et hujus esse Civitatis & cuiusvis præterea: cæteris concessum est. §. 12.

become

become a Citizen of *Rome*, and yet retain his Rights in his former City. * And, tho' they pretended to found this Law on a Maxim of Justice and Equity, yet the Partiality of the Application of it points out that it took its Rise from Reasons of State, rather than of the Liberty of Mankind ; altho' they flourish so bravely on the Equity and Equality of this Policy. † “ As the Way is open from all other Cities to the Freedom of our City, so mutually is the Way open to our Citizens to transfer themselves to any other City.” Yet they knew that the Practice of it was injurious and unequal. For the Privileges of a *Roman* Citizen were so superior to that of any other State, ‡ that the Granting and Receiving of them was always consider'd as the highest Reward to the best Merits and Services ; and the losing, or being deprived of them, equal to the severest Punishment the State could inflict. If therefore a Man acquir'd them by being adopted into the City of *Rome*, and a *Roman* Citizen lost them by transferring himself to any other City : How was this Liberty equal and mutual ? The City of *Rome*, like the Lion's Den, would have every Footstep towards it, but not one from it : How then was the Communion of this Liberty with other Cities reciprocal ? But, to dwell no longer on their Pretences, it was in Fact mere State Policy, to entice and inveigle the bravest and best Subjects of every other State from their natural Government, and to adopt them into the *Roman*. And the Right to do this they asserted in the Insolence of Power, with so very an absolute Demand, that when it was pleaded

* They profess this Maxim — *Dissimilitudo Civitatum varietatem Juris habeat necesse est*, — *Cicero*, *ibid.* §. 13. — but the Application points out quite another, — *ne contrarium Jus non tam ipsi injuriosum, quam Domino damnosum constituatur*. As they reason'd in the Case of allowing the *Postliminium* to a Servant. *Paulus apud Digest.* Lib. 49. Tit. 15. Lib. 19. §. 5.

† *Cum ex omnibus Civitatibus via sit in nostram, cumque nostris Civibus pateat iter ad cæteras Civitates, &c.* *Cicero*, *ut antea*, §. 12.

‡ Atqui si Imperatoribus nostris, si Senatui, si Populo Romano non licebit propositis præmissis elicere, ex Civitatibus Sociorum atque Amicorum, fortissimum atque opt. quemque, &c. — in Socios vero ipsos, & in eos, de quibus agimus, Fœderatos injuriosum & contumeliosum est, his præmissis & his honoribus exclusos esse. §. 9.

in the Case of *L. Corn. Balbus*, who, being a Citizen of *Cales*, had been adopted into the City of *Rome*; when it was pleaded, that the City of *Cales* had a natural Right to the Allegiance of their own natural-born Subjects; and that such Right ought to be inviolably sacred to them: See what Answer is vouchsafed, *De bis cum Populus Romanus nihil unquam jussit, quidque audes dicere Sacrosanctum?* And when it was further urg'd, that, if a Subject was thus to be taken from them, the People, whose Subject he was, ought at least to be consider'd as Principals or Parties in the Act: * “ The People, in “ deed, (saith the Orator) may be consider'd as Principals or Parties, “ but it must be by our Permission, not their Right. When the *Roman* People enact any Thing, if it be of that Nature, that it may “ be consider'd as a Privilege, granted to a free or fœderate People, “ that they may provide, in Regard to their own Matters (not our “ Affairs) what Rights they would use; then indeed, whether they “ be Principals or not, is Matter of Consideration; but, in Regard to “ our Republic, our Empire, our Wars, Conquest, and Weal, the “ *Romans* hold no People Principals with themselves.”

But tho' the *Romans* might establish, and by their Power might maintain, such Maxims: Yet most Nations, with whom they were concerned, ever protested against them; and look'd upon such Policy as iniquitous, such Practice as injurious. † This, and this alone, was the Cause of that *Sabine* War in which the Orator ‡ tells us,

* Hæc est Vis istius & Juris & Verbi, ut Fundi Populi, beneficio nostro non suo jure, fiant. Cum aliquid Populus Romanus jussit, id, si est ejusmodi, ut quibusdam Populis five Fœderatis five Liberis permittendum esse videatur, ut statuant ipsi, non de nostris, sed de suis rebus, quo jure uti velint: tum utrum Fundi facti sint an non quærendum esse videtur. De nostrâ vero Repub. de nostro Imperio, de nostris Bellis, de Victoriâ, de Salute, fundos Populos fieri noluerunt. §. 8.

† Sabini suos in Lucum confugisse; ac Romæ retentos. Hæ Causæ Belli ferebantur. *Livius.* Lib. I. §. 10.

‡ Illud vero sine ulla dubitatione maximè nostrum fundavit Imperium, & Populi Romani Nomen auxit, quod Princeps illæ Creator hujus Urbis, Romulus, fœdere Sabino docuit.—Cujus auctoritate & exemplo nunquam est intermissa a Majoribus nostris Largitio & Communicatio Civitatis. *Cicero*, sicut antea, §. 13.

that

that it took its Rise and was established by the Consent of Nations. * The brave Citizens of *Præneste*, when they were rewarded for their Virtue with the Freedom of the City of *Rome*, continued still under their own Government, exhibiting the same unshaken Faith to the Empire of their own State, as they had given Proof of to that of their Allies. † And in Bar of this Practice many wise Nations, asserting their Right to the Allegiance of their own Subjects, had this Clause inserted in their Treaties with the *Romans*, ‡ that their Subjects should not be taken from their natural Government, and adopted into that of *Rome*. And no Wonder we see these Governments so jealous, in this Point, of their Right to the Allegiance of their native Subjects; for we see them exercising this Claim with the most rigid Severity: Not only punishing those who refused to muster, but inflicting the severest Punishments on those who delayed, || so as to torture even to Death the unfortunate Person who came last into the Field.

It appears from hence, to my Apprehension, that all Governments have, not only in Theory, a Right, but, contrary to what hath been often supposed, that, in Fact, they ever made Claim to this Right, which they have to the Allegiance and Service of their Children. And that this Right is founded in Nature and Truth, if thereby no Injury be done to the Person thus claimed, or no Right or Liberty of his infring'd; which cannot be where the Government arises freely by

* Prænestinos ob Virtutem Civitatem donatos, non mutavisse. *Liv. Lib.*

† Foedera extant ut Germanorum, Insubrium, Helvetiorum, Iapidum, nonnullorum item ex Galliâ Barbarorum: quorum in Foederibus exceptum est. Nè quis eorum a nobis Civis recipiatur. *Cic. § 14.*

‡ From all that has appeared above it seems difficult to say, how any Government can justify the Adopting and Naturalizing the Subject of any other State: And how the distinct Rights and contrary Claims to his Allegiance and the Discharge of his Duty can be adjusted; unless, as all have at length seemed to admit of this Practice from Maxims of Utility, it be thought sufficient upon every Emergency to settle them by Cartel.

|| Hoc, more Gallorum, est initium Belli; quod, lege communi, omnes Puberes armati convenire coguntur; & qui ex iis novissimè venit, in conspectu Multitudinis omnibus cruciatus affectus necatur. *Cæsar, de Bell. Gall. Lib. 5. § 47.*

the Vigour of natural Principles, and is only a more perfect Process of the State of Nature. The Subject on his Part cannot refuse it, for it is due from him: And the Government on it's Part hath a Right to require it; it is the Duty of the Administrator so to do; if he does not, he betrays his Trust. We see thus, that a Man born in a free Country, of Parents that were Subjects of the Government of that Country, is as much, by all Right and Law, consistent with his perfect Rights and full Liberty, a Subject of that Government, as his first Ancestors were, who subjected themselves by their own Consent, as we have been taught to say. And each Individual is so vitally connected to the Whole, by that universal Spirit which all breathe, that he can no Way acquire a separate or independent Existence. And you see further that, were there no such civil Vitality, yet from the Nature of that imperatorial Power, which must be in every State, that the Subject is so intimately connected to it, that he cannot, on any Pretence, absolve him from the Allegiance that he owes to it; and, as this Service shall be required of him, cannot refuse entering into it, or withdraw from it.

Q. Scæv. You have shewn, indeed, from the Consideration of this Power, as well as others, in Government, that the State hath a Right to the Service and Person of it's natural-born Subjects. But how this Power, in the Exercise of this it's Claim and Right, may be consistent with the civil Liberty of the Community, and those Rights of the Individual which, we are agreed, are sacred, is still a Doubt with me.

It is universally allowed that, let the Spirit or Form of the Government be what it will, *this imperatorial Power must be monarchical*. No State ever tried the contrary but the Experiment proved a Demonstration of this. Even *Athens* itself, the very Patroneſs of the levelling Scheme of Popularity, confessed this to be Fact. For tho' in the Times they delegated this Power to a Number of Commissioners, every Tribe naming one; and, as the Tribes were ten in Number, all in

common

common adding one more to be a casting Vote: Yet in the latter Times they found the Use and Necessity of it's being executed by one, and accordingly sent only one into the Field, while the rest remained in the City, as a Council of War, to determine all Matters relating to the Army, And in *Rome* too the Caprice of this same popular Spirit would once have the imperatorial Power commissioned out to three military Tribunes, who, when they took the Field, says * *Livy*, were a palpable Conviction how impracticable the Empire of Numbers is in the Execution of the imperatorial Power. As the Accidents of War are so sudden, the Opportunities so fleeting, no human Prudence can foresee and provide for them. As + " Fortune is " various, and many Accidents and Advantages happen, which can " not be known or improv'd by any but those who are present :" No Community can give particular Instructions in regard to them. Great and intire Faith, therefore, must be reposed in the Courage and Conduct of the Administrator of this Power; and nothing less than full and absolute Power, independent of the Legislature, is fit for the Execution ‡ of it. And accordingly we find *Hermocrates* advising the popular State of *Syracuse*, || that their Generals should be few, and of absolute Authority; that all should swear Fealty to them by an express Oath; that the People should suffer them to act according to their best Judgment and of themselves. For thus those Things,

* Tres, Delectu habito, profecti sunt Veios, Documentumque suere quam plurium Imperium bello inutile esset. *Lib.* 4. § 31.

+ *Machiavelli*, Disc. on *Liv.* Book 2. ch. 23.

‡ *L. Æmilius Cof.* —— orationem talem habuit, —— non sum is qui non existimem admonendos Duces esse: imò eum, qui de suā unius sententiā omnia gerat, superbū judicio magis quam sapientem. Quid ergo est? primum a prudentibus & propriè rei Militaris penitus, & usu doctis, monendi Imperatores sunt: deindè ab his qui intersunt gerendis [rebus, qui] loca, qui hostem, qui temporum opportunitatem vident; qui in eodem velut navigio participes sunt periculi. —— *Liv.* Lib. 44. § 22.

|| Τας Στρατηγούς, καὶ ὁλίγους καὶ αὐτοκράτορος χειμαὶ οἰλοθεῖ, καὶ δράσαι αὐτοῖς τὸ ὄφειον, οὐ μὴ εἴσοιτο πέχειν ὅπεις αὐτοῖς εἰσίναι. Οὕτω γάρ, καὶ κούνιοθεῖ διῖ, μᾶλλον αὐτοῖς τίρυσθαι, καὶ τέλλος εὔτα περιποταπειραγίην παρασκινιασθῆναι. *Thucydides*, *Lib.* 6. § 72.

faith he, which ought to be secret, will be best concealed, and every other Matter best regulated and executed, without any Tergiversation or Pretext whatever. In like Manner we find that the *Lacedæmonian* King, who, in the Exercise of his civil Jurisdiction, was under great Restraints and Limitations, was yet in the Field, in his military Capacity, absolute in great Measure. And of the *Roman Consul Polybius* * faith, The whole Community, and every Individual, came under his Authority in the Field.

This then being the Case, and the imperatorial Power being capable of extending itself to every Individual of the Community: The whole Community, and every Individual, may come thus under military Discipline: And the civil Government, be it of what Form or Spirit it may, become monarchical and military. Nor does it at all mend the Matter to say, that this severe Restriction of the Empire only reaches to those who, being Soldiers, are actually under the martial Law. For altho', when and where this Power is not in actual Exercise, and the particular Subject is not under the immediate Jurisdiction of it, such Particular does not appear to be under such strict Bonds: Yet do they still remain, and the different Degrees of Stricture of them are only the different Exertions of this Power, according to the varying Exigencies of State. The Power of drawing the Strictures of Allegiance so tight is in the Government, and, if it may so tie them, the actual greater or lesser Stricture of them, at any particular Time or Place as shall happen, makes no Difference in the Point of my Objection.

L. Graff. Your Objection allows that, if it can be done, consistent with Liberty, the State has a Right to enroll every natural-born Subject as one, of whom, when it thinks proper, it shall require his

* Δια τὸ καὶ ιδίας καὶ κοινῆς Πλεῖστος ἡ τοῦς ὑπαρχόντος πρὸς τὰς ικανὰς τινὰς οἰκουμένας. Polyb. Lib. 6. § 15.

Service. Now as Man's moral Liberty consists in such a State of his Nature, that every natural Power of it shall have full Scope to exert it's Actions, according to such Power's own particular Nature, and coincident with his Nature in general : So the Liberty of a State consists in that same free and perfect Existence of it's several Powers apart, and their coinciding Harmony amongst each other. If this Power of Government, which, for Distinction Sake, we have called the Imperatorial, be requisite to a State, as far as it is required that it's Exertion should extend, so far is the Exertion of it not only not inconsistent with any Rights and Liberties the Individual can have Claim to, but absolutely necessary to the Liberty of the State. When it assumes such Force, or takes such a Form, as destroys, or, in the least, abridges, any other equally natural and necessary Power of Government ; or, being partially united to any one Power, conspires with that to the Confounding and Destroying the other Parts of the System ; then truly is the Liberty of the State corrupted, and the Rights of the Individual broke in upon.

The legislative Power may be * compar'd to Reason ; the civil Part of the Executive to the Principle of Action in Man (whether it be call'd Conscience, or Will, or however the Metaphysicians please;) the Imperatorial to Passion. As, where the Passions are once grown *inveterate and violent*, both Reason and Will, rightly so call'd, are lost and annihilated : So, when Usurpation and Tyranny has once arm'd itself with this imperatorial Power, as the inherent Right of the Person, which was only reposed in the Office for the Safety and Defence of the Community, the Government becomes military. And if further he hath confounded and made conspire the civil Branch of the Executive to this Imperatorial, in Defiance and to the Extinction of the Reason and legislative Part, it becomes not only military but despotic.

* Καὶ αἱ Πολιτεῖαι ἃὶ κατὰ τὸν τριμέρων γύναιον τῆς Φυχῆς. Salust. Philosoph de Diis & Mondo, Cap. 11.

Every despotic Government must be military, but every military Government is not despotic. Of the former most of the Governments in the East, both ancient and modern, are Examples; of the latter almost all the Nations of northern and western *Europe*, when they began to settle as States: For the Government and Nation, whence they came forth as Colonies, was of quite another Sort.

On the other Hand, when the Reason, become partial and vicious; when some prevailing Party of the Legislative, grown corrupt and factious; conspires and confounds itself with the Military; the Tyranny becomes more exquisitely villainous and pestilential: For they cannot only act what they will, but give the Sanctions of Law and Justice to what they act; and therefore do not only enslave the Body and Person, but the very Soul and Spirit too: As was the Case in *Rome* at the Subversion of the Commonwealth, and at the Abortion of that in these Kingdoms. * Out of both which, by as natural Means as the Spark flies upwards, arose at first a military Monarch.

That the Exercise therefore of this Power may not acquire such Force, or take such Form, or create such Conspiracy, it must be limited by the Time or Extension of it's Exertion, or the Means and Instruments it is to act by, according to the different Nature of the System it is connected with and exists in.

If the Extension of it's Commission reaches to all and every Individual of the State, the Time, both as to its Length and Occasion, must be defin'd, or the State will become military.

If the Duration of it's Commission be indefinite, it must be circumscribed in it's Extension, so as to reach only to such a Number, or such Particulars, as the Legislature shall appoint, or the Government would become military.

* Non aliud discordantis Patriæ remedium fuisse, quam ut ab uno regeretur. *Tacit. Ann.*
Lib. 1. § 9.

Omnem Potestatem ad unum conferri pacis interfuit. *Ejusd. Hist.* Lib. 1. §. 1.

And

And in both Cases the Revenue must issue from and be determin'd by the Legislature, or the Government would be military.

A Militia, or an Army of Citizens, may be raised, and the Service of every Individual requir'd, with the severest and most rigid Execution, without any Detriment to the Liberty of the State, or Danger to that of the Subject; because the Power of the General is limited in it's Duration by the Rotation of Offices essential to a Republic; and by it's being accountable to the People or their Magistrates, at the Expiration of it; and by the Means, the Subsistence of it, being in the Hands of the Legislature.

Thus, amongst the ancient *Gauls* and *Germans*, we find this Power extend over, and reaching to every Individual of the Community, with the strictest and severest Discipline; yet we see the State and Individual free in every real Right and Liberty of Mankind; because the Extent of the Time of it's Exertion was limited, both as to the Duration and Occasion, and because it was accountable at it's Expiration: But when the Events of Fortune, and the State of Things, had taken away these Limits, and it became perpetual; when the General seiz'd those Tenures, which were the Property of the Public, by which the Subject was bound to the State, as his private Property, and render'd them Ties of Allegiance to himself; the Subject, of a Citizen, became a Soldier; the Magistrate a Monarch; the Militia a Band of Mercenaries, and the Government military.

On the other Hand, there is no Danger in this Power's being indefinite in Time, being in perpetual Commission, as it naturally is, and necessarily must be, in a Monarchy; while it is limited in the Extension of its Influence, and reaches only to such a Number and such Particulars as the Legislature shall determine; and while the Support and Life of it, the Revenue, is in the Hands of the Legislature.

As for Instance: Altho', at the first Subversion of the *Roman Republic*, the General became supreme Magistrate, and the Government

ment military; altho' this imperatorial Power became unlimited in Time, and perpetual; yet, the Circumstances of Things and the State of the Balance working, too powerfully to be opposed, to the Forming a limited Monarchy, the Emperor and his Council found it necessary to limit the Extent of it's Jurisdiction to such Numbers and such Particulars as the State of the Constitution would admit of. " "Tis my Opinion, says * *Mecænas*, that you must keep up a *perpetual Militia*, but that the most Sturdy and Indigent only should be enlisted and disciplin'd; and that the rest of the Citizens be exempt from Arms and military Discipline. Thus those, who scarcely, very rarely, live without Robbery and Thieving, will have a comfortable and legal Subsistence, and the rest live with greater Quiet and Security." But if the State of the Balance had not demanded these Limitations, and the Emperor had had the Will, (of which we have no Right to pronounce either Way) he would, with much more Speciousness than the ungracious Appearances of a Standing Army, have continued the Militia, and circumscribed the whole Community within his Camp, and under the martial Law.

The Government of these Kingdoms being a Commonwealth administer'd by a King (or, in other Words, a limited Monarchy) in the same Manner as the Government of the People of *Israel* was a Commonwealth administer'd by God himself: As, by the necessary and essential Laws of a Monarchy, the Office of supreme Magistrate must be fix'd and perpetual in the King, where always, in Commission, must reside this imperatorial Power; so, by the natural Laws of a Commonwealth, the Influence of it's Jurisdiction must extend to every Individual of the Community: It should seem that the imperatorial Power would reside in one and the same Office, indefinite in

* — τὸς δὲ Στρατιώτας αὐθαίρετος; — διὰ μὴ δὲ ταῦτα γνώμην ποιῶμαι, τὸς μὴ ἄλλος τεῖχος αἴνι τὸν ὅπλον καὶ αἴνι τείχον ζῆν τὸς δὲ ἱερωμεντάτος καὶ βίου μάλιστα διορίους καταδίγονται, καὶ σοκίου. — τὸ τε αἰμούτατον καὶ ισχυρότατον καὶ τὸ λίαν μάλιστα ζῆν ἀπάγκαζόμενον, καὶ αἰνύτως τραφίσσονται, καὶ τὸ λοιπὸν τὰν αἰχμέων βιώσεται. Dion. Cassius, Lib. 52.

Time, and unlimited in Extent, and therefore the Government be military. But we have said this Monarchy is limited : Let us see then, how the Legislature (in whom the Whole originally resided) has limited this Commission, and what Powers it hath reserved to it's own Share.

The Crown had no absolute Power to compel Men to take up Arms, * otherwise than in Case of foreign Invasion : No Power to make them find + Arms at Pleasure : No Power ‡ to charge them for the Maintenance of Arms, but by Consent of Parliament : § Nay, even the Service of those, who were Soldiers by their Tenures, was neither indefinite nor infinite, but circumscribed by Place, Time, and End. And even to what Power it had the Legislature would, upon Occasions, set Rules of Restriction, as to the Extent of the Time and Space of it's Exertion. No Man could be compelled to go out of his Country in any Case but in that of foreign Invasion ; || nor out of the Kingdom on any Occasion. And generally in all Cases they ¶ exempted the north Parts beyond *Humber* from being drawn Southward ; and sometimes order'd, that the Array should be executed ** only in some particular Cognities, at other Times wholly exempted the County adjacent, within fix Miles of the Sea-coast. †† At some Seasons they declar'd, that the Crown could not build or man Forts,

* Second Statute of *Ed. III.* ann. Reg. 1.

+ 25th of *Edward III.* Stat. 5. cap. 8.

‡ The Charge of Arms imposed upon the Subjects was said to be done by the Common-Council of the whole Kingdom, as is witnessed even by the King's own Law, [L. 1. *Gul.* Cap. 58. *Spicileg.*] *Bacon*, Part I. Chap. 46. No Tax or Tribute shall be taken but what was due in the Confessor's Time. *Hen. I.* Cap. 7.

§ *Bacon*, Part I. Chap. 70. of the Government under *Hen. III.* *Ed. I. & II.*

|| The Armies that went out of the Kingdom, says *Bacon*, were raised by Volunteers, enlisted and paid by imprest Money issuing from the Parliament ; or the Servants, Vassals, or Mercenaries of those Lords and Gentlemen, who went as Volunteers.

¶ 13th of *Ed. III.*

** 20th of *Ed. III.*

†† Article of War made in the second Parliament of *Mary I.* 2d and 3d of *Pbil. and Mary*, Cap. 1. 2d of *Ed. VI.* Cap. 16.

Castles, or Ships, unless as order'd and directed by the Legislature. And, of the Whole in general, * the Militia were not bound to the Person but the Office, in which essentially and inseparably resided the Safety of the State : And even † in some Emergencies the Legislature reserved in themselves the Execution of this Power. If therefore it was ever supposed, that the Statute of Queen *Mary* superseded all former Laws concerning the Limitation of this Power ; and that, by King *James the First* repealing this, all declar'd Law whatever, as to this Point, was taken away ; and that this Power therefore return'd to the Crown (whence it was derived) and resided there essentially in a perfect and plenary Existence of all it's Powers, and that the Administration of it was by the Execution of the martial Law : If this, I say, was at any Time held out as a Right and Prerogative of the Crown, and more especially at a Time when the Parts of the Legislature, the Crown and Parliament, were at Variance : The Claim that the Parliament put in, in Bar of such Exertion of the Prerogative, to the Ordering of the Militia, ‡ was founded in the fundamental Laws of the Kingdom, and of no less Import, than whether the Government should be military or civil. But as a military Power in a Monarchy, as unlimited in the Extent of it's Influence, as indefinite in Time, renders the Government military ; so a Militia, in the Hands of the People to the Exclusion of the Crown, alters the Essence of the Constitution, and creates a Republic. When therefore, on either Hand, such were the Aims, such Aims were Factions, to say no worse of them.

A Citizen, not subject to martial Law, and train'd by military Discipline, never was a Soldier : But on the other Hand, if martial Law

* Statute of *Mag. Chart.* 70, 71, 72. and all its Confirmations.

† At the Death of *Hen. III.* when *Ed. I.* was in the *Holy Land*, in the Minority of *Henry VI.* and *Edward VI.*

‡ As the Claimants continually assert, and not, as § Mr. *Rapin* mistakes, merely in the abstract Laws of Nature, that of Self-Defence.

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and military Discipline might be extended to every Individual of the Community, as, in a Monarchy, it is extended in it's Duration to all Times, the Citizen would, indeed, become a Soldier, and there would be an excellent Army; but both Citizen and civil Empire would be absorb'd in that Army. How strangely then do they err, who, thro' a zealous Affection to the popular Interest, are ever wishing and labouring for that, which, in a Monarchy, must inevitably overthrow such Interest, while they neglect and decry that which is the proper and only natural Security in such a Constitution, both to the State and Individual, an Army of Volunteers, of such Persons, and such a Number, as the Legislature shall describe, raised by imprest Money derived from thence; an Army in the Hands of the Monarch, but in the Will of the People?

As the Limitation of the imperatorial Power in Time is the proper State of it in a Republic; so the Limitation of the Influence of it's Jurisdiction is the proper and natural State of it in a free Monarchy. As these are Modes of it's Existence in either State respectively; so is it the necessary and, when steadily maintain'd, sufficient Security of both in common, that it's Life and Subsistence, the Revenue that supports it, should issue from the Legislature, where the Balance of Property resides.

Where an Army subsists by the Riches of a single Person, or a Nobility, that Army will always be monarchical: And where it subsists and is ingrafted on the Stock of the national Interest, which the Legislature, in a free Government, ever is, it will grow up with, and be interwoven into, this national Interest, and be one and the same with it. If that Interest be popular, the Spirit of such Army always will be popular, as saith Mr. Harrington, [Politic Aphorisms 100] the English Armies ever were. In a Government founded on a landed Balance, where the Land is not to be overbalanced by the Money, any military Power of a distinct Interest from the national Interest must be narrowly circumscribed

by the finite and temporary Revenues of such an Interest, and can bear no Proportion to the permanent, certain, and unlimited one of the national Balance. “ * A Bank never paid an Army, or, paying “ an Army, soon became no Bank. But where a Prince or a No-“ bility [or People] have an Estate in Land, the Revenue whereof “ will defray this Charge, there their Men are planted ; have Toes “ that are Roots, and Arms that will bring forth what Fruit you “ please.”

This Power therefore, thus form'd on Principles consistent with the Nature of Man, and the Nature of the System of Government it subsists in, does not in the least destroy any Right, or infringe any Liberty, the Subject is capable of enjoying, or can have, by virtue of his original natural State (as it is call'd) any Claim to : A Power thus form'd, that does not interfere with, obstruct, or destroy any other equally natural and legal Power of Government, is in itself just and natural, and becomes an equitable legal Tie of Allegiance superadded, or, more properly, coinciding with that civil one, the Organization and Union of the Community. And it is not only necessary to civil Liberty, the Liberty of the State, that it should be so ; but is consistent and coincident with the Liberty of the Subject that it is so.

The Connexion therefore that is between the Subject and Government, is not, as is often understood, an artificial reciprocal Alliance of the two Parties, where Allegiance is the Condition to be perform'd, by the Subject, and Protection of such Subject, on the Part of the Government ; † but as Communion is the creating Cause of Society, and the Protection of that Communion the End of Government, it is a ‡ natural Connexion of every Individual with the Community ;

* The Prerogative of Popular Government, Chap. 3.

† Πολειτία ἐπιμελεῖσθαι συμβάσις αὐθεντίνης Κουνίας. Platonis Politicus.

‡ Η Συνείδησις τῆς Ναυτιλίας ἵριον εἰσὶ αὐτοι πάντοι, τότε γὰρ οἰκαρποί δέργυται τῶν πλοτήρων· φύεις τούς καὶ τῶν Πολετῶν, καὶ αὔρωμοιν ὄντας, η Συνείδησις τῆς Κουνίας ἵριον εἰσὶ. Κουνία δὲ εἰσὶ οἱ Πολετοί. Arist. de Repub. Lib. 3. Cap. 4.

and

and an absolute indispensable Obligation to the Whole for the Preservation of it's Communion. The Subject therefore can, by no Right or Claim whatever, acquire a distinct and independent Interest or Existence. Nor can any other Power on Earth, upon any Pretence whatever, dissolve this Obligation, by absolving him from his Allegiance, and robbing his lawful Government of his Person and Service.

Altho' the Government, for the Good of the Whole, may permit Particulars to withdraw from the Community ; or, on Account of legal Disability, may prohibit them from Communion, and deny them Protection : Yet this must be an Act of the Community, not of the Persons own ; all Pretence therefore of withdrawing, by undertaking voluntary Banishment, is precluded. There is a Process, amongst our obsolete Laws, of Abjuring the Realm, which, as it seems to be the Act and Deed of the Subject, looks like Withdrawing from Allegiance, by undertaking voluntary Banishment. But this was an Act of the Community, an Act of Grace, when the Subject had forfeited his Life (by some Felony, or otherways) to cut him off from the Community, but not from Life. It was the Act of the Government, where it made it's own Terms, requiring of him an Engagement that he would not be reconcil'd to, nor enter into, any Practice against the Realm. And thus *Cromwell*, in his Expedition into *Ireland*, published a Proclamation, whereby he permitted all *Irish* Officers, that were willing to go into the Service of foreign Princes, to enlist what Soldiers were willing to follow them, under Engagement that they would act nothing prejudicial to the Government of *England*.

Q. Scæv. Does not this come up exactly to the Case of the *Irish* Troops we mention'd the other Day ? For a Person who, on Account of legal Disabilities, is excluded from the full Communion and Protection of the State, of which he is naturally born a Part and Member,

ber, may be permitted, nay, I doubt, whether he can be refus'd, from withdrawing from this State, and going into foreign Service.

L. Graff. You don't surely think this is the Case? Is there any formal Abjuration? Is there any Act of the Government? But allowing they are permitted to withdraw themselves; that their Enlisting into foreign Service is conniv'd at: Yet by the very Conditions, whether tacit or expressed, they are bound not to practise against the Realm. Indeed, the Lenity of our Government hath been pleas'd to interpret their Service under the *French* Banner (when at War with us) while they act upon the Continent, as not under the Penalty of the Laws. And truly this Permission could be only practicable in Time of Peace, were it not for this Interpretation. But it can give them no Right to return upon their Country, directly against their Allegiance, in Conjunction with Traytors and Rebels, when there is a Law of their Country even against their Returning at all. I mention this, because, if they be permitted to withdraw, it can be upon no other Conditions than those which the Government hath thought fit to enact; for, by the whole Tenor of what has been said, they can have no Right, of themselves, to withdraw, no Right but what is granted, and upon no other Conditions than it is so granted.

Here I could observe, by my old Friend's Countenance, that, however he and *Lucius* might be agreed in the general abstract Principles, yet, as is ever the Case, Dispute would again arise upon Particulars. But, as good Luck would have it, the Women sent for us to Cards; and, as Business must not be neglected, we left these Matters of Amusement, and waited upon them immedately.

2 JY 6]

F I N I S.



*The Distance of the Author from the Press has occasioned the following Errata,
which the Reader is desired to correct.*

Page 2. Line 23. after *Reigns*; for ; put only a Comma. P. 5. L. 5. for and that these r. which *Con-*
ditions. Ibid. for *Thus* r. So that. P. 11. L. 26. after *Vaunting* put a Colon. P. 13. L. 25. instead
of a Point of Interrogation put a full Point. P. 35. L. 5. dele Q. *Scævola*. P. 40. L. 2. for *Clause*
r. *Canse*. P. ibid. L. 8. for ever r. even. L. 17. for of r. to. L. 29. for *wilins*; r. *wolins*. P. 45. L. 7.
for from *Description* r. or *Description*. E. 9. after the *Former*, instead of a full Point put a Semicolon.
L. 19. for *illuminated* r. *illumin'd* L. 20. after *unsatisfied* put a Semicolon. P. 50. L. 19. for
wben r. *wbom*. P. 54. L. 2. for *now* r. *bow*. P. 55. L. 21. dele that. P. 70. L. 6. for if r. it.
P. 73. L. 8. for *Rinos* r. *Minos*. P. 74. L. 7. for *Back* r. *Bank*. P. 76. L. 13. for *Elioun*
r. *Elioun*. P. 87. L. 12. for *Retail* r. *Detail*. P. 87. at the Note † insert *Callimachi Hymns*
in *Jovem*. P. 89. L. 5. for *Claws* r. *Clans* P. 92. L. 14. and 15. read thus, by unnatural Means,
as a proper Foundation for such; He did not act from any ideal Standard, &c.—. P. 94. L. 2.
for *Empire* r. *Inpire*. P. 102. L. 29. dele the. P. 106. L. 23. for and r. that. P. 108. L. 10.
for it's r. it. P. 118. L. 9. for *falc mote* r. *Folcmote*. P. 130. L. 30. after the' in the; insert
earlier. P. 136. L. 8. for *perpetual Militia* r. *perpetual Souldiery*. P. 137. last Line but one, for
Article of War r. *Articles of Marr*.

and will return to the business and duty we have which is to be ready
to serve in any emergency.

and will be at your disposal at all times. We are pleased to inform you that
General and a very good General he is. He is a man of great tact and has
the confidence of all who know him. He is a man of great character and is well known throughout the country.
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2 JY 63

